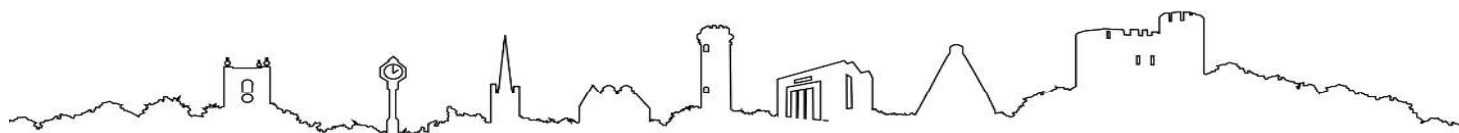


Minutes and Delegated Decision Summaries

19th March, 2022 – 19th June, 2022

Public documents for meetings are on the Council's Website by accessing the [Committee Management Information System \(CMIS\)](#)

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Minutes of the Cabinet

**Thursday, 24th March, 2022 at 6.00 pm
In Committee Room 2, The Council House, Dudley**

Present:

Cabinet Members

Councillor P Harley (Leader - Chair)
Councillors N Barlow, R Buttery, S Clark, S Keasey, I Kettle, K Shakespeare and
L Taylor-Childs

Opposition Group Members Nominated to attend the Cabinet

Councillors C Bayton, J Foster, P Lowe, S Ridney and P Sahota

Observer

Councillor P Bradley

Officers

K O'Keefe (Chief Executive), M Bowsher (Director of Adult Social Care - via Microsoft Teams), C Driscoll (Director of Children's Services), H Martin (Director of Regeneration and Enterprise), I Newman (Director of Finance and Legal), J Branch (Head of Human Resources and Organisational Development), D Brennan (Equality, Diversity and Inclusion Manager), F Parrett (Head of Commercial), C Howes (Senior Account Manager) and S Griffiths (Democratic Services Manager).

7 Members of the public.

62 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors K Ahmed, S Ali, A Aston, C Barnett, S Phipps and Q Zada.

63 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.



64 **Minutes**

Resolved

That the minutes of the meeting held on 17th February, 2022 be approved as a correct record and signed.

65 **Capital Programme Monitoring**

The Cabinet considered a report of the Chief Executive and the Director of Finance and Legal on progress and proposed amendments in respect of the Capital Programme.

In response to a question from Councillor C Bayton concerning the Dudley Town Hall and Former Museum project, the Leader indicated that a briefing could be provided to the St. James's Ward Councillors.

Resolved

That the Council be recommended:

- (1) That progress with the 2021/22 Capital Programme, as set out in Appendix A to the report, be noted.
 - (2) That the amendment to the Capital Programme relating to Red House Glass Cone Hot Glass Studio, as set out in paragraph 6 of the report, be approved.
-

66 **Gender Pay Gap Report 2021 - Snap Shot Date 31st March, 2021**

The Cabinet considered a report of the Chief Executive on the Gender Pay Gap Report for 2021. The report would be published by 30th March, 2022 in line with legislative requirements.

It was noted that in future, it was intended to bring this report to the Cabinet meeting for consideration alongside the Pay Policy Statement. Members commented on the progress made and the need for effective ongoing monitoring.



Resolved

- (1) That the Gender Pay Gap report 2021, as set out in Appendix 1 to the report, be approved for public disclosure.
- (2) That the report be published and data reported to the Government before 30th March, 2022 to ensure compliance with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

67 **Equality Strategy 2022 – 2025**

The Cabinet considered a report of the Chief Executive on the Equality, Diversity and Inclusion (EDI) strategy for the three-year period from April 2022 to March, 2025.

Members welcomed the proposed referral of the action plan to the Future Council Scrutiny Committee to include key performance indicators. Links were made between the strategy and the item referred to in Minute No. 66 above. Reference was also made to the importance of further training and development for Members on EDI and Scrutiny.

The Head of Human Resources and Organisational Development referred to advice and support from the Local Government Association and ongoing engagement with employee representative groups through the Corporate Equalities Board. It was important that the strategy, together with specific actions, were fully reflected in all Directorate service plans.

The Leader and the Chief Executive affirmed the Council's commitment to the Equality, Diversity and Inclusion strategy and employees would receive appropriate support to participate in the Corporate Equalities Board and the employee representative groups.

Resolved

That the Equality, Diversity and Inclusion Strategy 2022-2025 be approved and that the action plan for delivery against the strategy be referred to the Future Council Scrutiny Committee for further consideration.

68 **Scale of Fees and Expenses for Borough Council Elections**

The Cabinet considered a report of the Chief Executive on the scale of fees and expenses for Borough Council elections.



Resolved

That the scale of fees and expenses, as set out in Appendix A to the report, be approved with effect for all local elections held after 1st April, 2022.

69 Extra Care Provision/ Development in Dudley

A report of the Director of Adult Social Care was submitted on the programme of work undertaken from January 2021 to February 2022 in relation to the development of the Extra Care scheme in Brierley Hill following approval by the Cabinet in December 2020. The report provided details of the options considered and positive changes in the structure of the arrangement with E5 for the Council and the wider Borough.

Resolved

That the Council be recommended:

- (1) To enter into a long-term lease arrangement with E5 on the basis that the financial and legal obligations are offset by way of an underlease to a reputable housing association and to include the project in the Capital Programme; the arrangement with E5 being conditional on the ability to match the head lease with the under-lease following a procurement process.
 - (2) To delegate authority to the Director of Adult Social Care, following consultation with the Director of Finance and Legal, the Director of Housing and Community Services and the relevant Cabinet Members, to implement the programme of work needed to ensure successful delivery.
-

70 Update on the Towns Fund Bid

The Cabinet considered a report of the Director of Regeneration and Enterprise on the proposed use of compulsory purchase powers for the acquisition of land necessary for the development of the site currently occupied by K2 Security and Castle Hill Banqueting Suite to enable the building of a higher education institute at Castle Hill, Dudley.

Members were advised of the intention to use Section 203 of the Housing and Planning Act 2016 to override the restrictive covenants on the site occupied by the former Hippodrome and the Plaza Cinema, Titles SF23236 and SF87425 ('the Land'), and to approve the submission of a further report providing evidence to appropriate the Land for Planning purposes.



Delegated authority was sought for the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, to agree Heads of Terms for a lease agreement for the completed Health Innovation Dudley building to be granted upon its completion.

Resolved

- (1) That a Compulsory Purchase Order (CPO) be made under Section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of land and rights within the area edged red on the Draft Order Map for the purposes of facilitating development, redevelopment, and improvement of the Order Land and, where necessary, acquisition of new rights under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and appropriation pursuant to Section 203 of the Housing and Planning Act 2016.
- (2) That the Deputy Chief Executive and the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration and Enterprise, be authorised to affect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order as set out in the report.
- (3) That the intention to appropriate the site of the former Hippodrome and Cinema site for the intended purpose, as set out in the report, be noted; in order to make a proper, lawful decision under Subsection 122(1) of the Local Government Act 1972 to appropriate both sites for the proposed planning purposes (i.e. in order to facilitate the redevelopment of both sites as part of the site for the proposed development), the Council will need to consider and determine certain factors, as set out in advice obtained from leading Counsel, and that the evidence for this be included in a future report to the Cabinet.
- (4) That authority be delegated to the Director of Regeneration and Enterprise, following consultation with the Cabinet Member for Regeneration, to agree Heads of Terms for the lease agreement for the completed Health Innovation Dudley building, to be granted upon its completion, and that it be noted that negotiations have commenced with Dudley College as the Council's chosen partner to become a long leaseholder for the building.

71 **Issues arising from Scrutiny Committees**

No issues were reported under this agenda item.



72 **Questions to the Leader under Cabinet Procedure Rule 2.5**

No questions had been submitted under this agenda item.

73 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

74 **Dudley's Temporary Workforce Project**

The Cabinet considered a report of the Director of Digital, Commercial and Customer Services on Dudley's temporary workforce project.

Resolved

That the recommendations, as set out in the report, be approved and referred to the Council for consideration.

The meeting ended at 7.05 pm

LEADER OF THE COUNCIL



Minutes of the Children and Young People Scrutiny Committee

**Monday, 13th June 2022 at 6.00 pm
in the Council House, Priory Road, Dudley**

Present:

Councillor P Bradley (Chair)
Councillor D Bevan (Vice-Chair)
H Bills, D Borley, S Bothul, B Challenor, J Foster, A Hughes, P Lee, K Lewis, M Millward, M Qari and S Ridley.

Officers:

C Driscoll (Director of Children's Services), H Ellis (Service Director of Education, SEND and Family Solutions), K Graham (Interim Service Director of Children's Social Care) and K Buckle (Democratic Services Officer).

1. Opening Remarks of the Chair

The Chair welcomed both those new and returning Members to the Meeting.

2. Apology for absence

An apology for absence was submitted on behalf of Councillor C Bayton.

3. Appointment of Substitute Member

Councillor J Foster was appointed to serve as substitute Member for Councillor C Bayton for this meeting of the Committee only.

4. Declarations of Interest

Councillor S Bothul declared a non-pecuniary interest as an employee of the Bishop Milner Catholic College.

Councillor A Hughes declared a non-pecuniary interest as the parent of two children who have special educational needs.

5. **Minutes**

Resolved

That the minutes of the meeting held on 14th March 2022, be confirmed as a correct record, and signed subject to the deletion of J Clinton and the insertion of R Clinton into the 25th paragraph of Minute No. 47 – Home to School Transport Policy.

6. **Public Forum**

No issues were raised under this agenda item.

7. **Annual Scrutiny Programme 2022/23**

The Committee received a report of the Lead for Law and Governance on the Annual Scrutiny Programme detailing items for considered by this Committee during 2022/23.

In addition to those items a Member suggested that children's mental health should also be considered.

The Chair confirmed that the Children and Young People Scrutiny Committee Working Groups could be convened on an ad-hoc basis should it become necessary to do so.

Resolved

- (1) That the items to be scrutinised by this Committee in the Annual Scrutiny Programme for 2022/23, be noted.
- (2) That the additional following item of business be included in the Annual Scrutiny Programme for 2022/23: -
 - Children's Mental Health
- (3) That the Committee confirm the programme of business as outlined in paragraph 6 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.
- (4) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2022/23 municipal year.
- (5) That the terms of reference of the Children and Young People Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.

8. **Corporate Quarterly Performance Report – Quarter 4 (1st January 2022 to 31st March 2022)**

The Director of Children’s Services presented the report submitted referring to the six Performance Indicators for Children’s Services advising that for three of the six Performance Indicators Children’s Services had performed better than expected.

It was noted that there had been significant challenges in the recruitment and retention of Social Workers and considerable action had been undertaken to focus on recruitment. Vacancy rates had continued to improve despite challenges in both local and national shortages.

It was stated that performance indicators would change during the 2022/23 municipal year to focus on reducing Agency Staff.

It was noted that the effectiveness and impact of Early Help interventions demonstrated that Early Help continued to effectively reduce the number of cases requiring a statutory intervention and consistently a high percentage of families do not escalate to level 4 once Early Help work was closed.

The number of children who were currently in an approved Time for Two’s placement was above target, however a proportion of children who were eligible for a Time for Two’s placement were not taking up their places and not accessing provision in Early Years. Therefore, there would continue to be a focus on developing and implementing a plan to increase Time for Two’s uptake, based on the unmet need and the use of local volunteers as motivators to encourage the take up of places continued.

The number of Looked After Children were higher than the target set. 581 children were currently in the care of the Local Authority and there was the need to reduce that number by 7 to meet the target set.

The number of children subject to a Child Protection Plan per 10,000 of the child population had increased slightly during March 2022. There were no immediate concerns in relation to that percentage against the target set.

The Chair confirmed that he was pleased with the targets set against the new Social Worker posts, the numbers of Looked After Children, the increase in Special Guardianship Orders and those children who were being returned to live with their parents/carers.

The Chair also noted that nine out of ten children were receiving their Single Assessments within the 45-day time frame.

In response to a question from the Chair, the Interim Service Director of Children’s Social Care confirmed that the ongoing offer of training continued to all Social Care Officers on a rolling programme basis.

In relation to Time for Two's and the quality of that provision, the Service Director of Education, SEND and Family Solutions referred to remodelling that provision. Due to staff leaving the service there was currently a recruitment process underway. The offer of Time for Two's would be available within the five townships of the Borough and the offer would be based in Family Centres who would continue to work closely with the private sector, to provide quality provision.

It was accepted that work was required in relation to school readiness which formed part of the Integrated Early Years-Service.

In response to a question from a Member, the Service Director of Education, SEND and Family Solutions confirmed that certain areas within the Dudley Borough had low numbers of children who were ready for school and additional resources would be available in those areas to promote school readiness.

The Service Director of Education, SEND and Family Solutions undertook to provide Members with details of those areas within the Borough where Time for Two's placements were not being taken up, in order that Members could promote those placements within their Wards.

The Service Director of Education, SEND and Family Solutions referred to the work being undertaken with Public Health on the first 1001 days of a child's life with Dudley being identified as one of 75 Authorities for Family Hubs for Start of Life, which would involve partnership work joining services together.

In relation to the use of local volunteers as motivators to take up Time for Two's placements, the Service Director Education, SEND and Family Solutions advised that work was ongoing to reach out to communities and families based on the changing needs of communities. There was also a willingness to engage with Members and it was stated that any support from Members to support the take up of placements was welcomed.

Reference was made to the recruitment of Social Workers and the Director of Children's Services referred to the Workforce Board that continued to meet monthly and was Chaired by the Director with the focus of the Board remaining on the recruitment and retention of Social Workers. The Board tracked starters and leavers and turnover rates. Posts were also checked on a weekly basis.

It was noted that during 2021, 5000 Social Work staff had left nationally, with Social Workers remaining a difficult market to recruit. The Authority had recruited 22 newly qualified Social Workers who would be joining the Authority for their first year following qualification. The Authority also had an excellent assessment and training programme.

There was also an experienced care leaver Apprentice who continued to facilitate capturing the voice of the child in order to inform services. Practice learning was also informed by consulting with families.

There was a substantive training programme for those who were newly qualified and joining the Authority.

In order to recruit staff, there was ongoing engagement with Universities.

Councillor K Lewis referred to her role as an Early Years Provider and the need for the Authority to work with providers in order to ensure the take up of Time for Two's placements and children attending Single Assessments when required to do so.

Resolved

- (1) That the information contained in the Corporate Quarterly Performance Report – Quarter 4 (1st January to 31st March 2022, be noted.
- (2) That the Service Director of Education, SEND and Family Solutions be requested to provide Members with details of those areas within the Borough where Time for Two's placements were not being taken up, in order that Members could promote those placements within their Wards.

9. **Special Educational Needs and Disabilities (SEND) Re-Visit Update**

The Committee received a report of the Director of Children's Services on the findings from the recent SEND re-visit and to note the next steps and SEND Accelerated Progress Plan (APP). Appended to the report submitted were the Send re-visit findings letter, the SEND App and the SEND Improvement Programme Communications and Engagement Strategy.

In presenting the report submitted the Service Director of Education, SEND and Family Solutions referred to the difficult and challenging Inspection in May 2019 and the resulting Written Statement of Action (WSOA) and wider SEND Improvement Programme.

It was noted that there had been 14 findings of significant weakness had been identified at the initial inspection

As a result of the visit in February 2022 by Ofsted and the Care Quality Commission (CQC) Inspectors it was recognised that there had been "sufficient progress" in eight areas of the previously identified 14 areas of weakness.

Inspectors concluded that there was further work required in the remaining six areas (full details were contained in the findings letter attached to the report submitted).

The Local Area were provided with five weeks to submit the APP to the Department for Education (DfE) for approval, the APP was submitted to the DfE on 28th April 2022, and subsequently feedback was received that requested certain revisions to the APP. The APP would be re-submitted to the DfE prior to 6th July 2022. The APP had been co-produced with all partners including the Parent Carers Forum (PCF), Lead Officers and appointed Working Groups set up with representation from all partners and stakeholders including the PCF.

The final APP will be submitted to Members once approved by the DfE.

In response to a question from the Chair, the Director of Children's Services confirmed that the high needs block fund for SEND remained a challenge and currently Dudley was on the second tier of 55 Authorities that the DfE had identified to examine their deficit, with Dudley taking part in the Best Value Programme.

In addition to the growing demand for SEND Services, there was also the rising demand for Education and Health Care Plans (EHCP's), however the starting point would always be for children to remain in mainstream education with the provision to meet their educational needs to enable Special Schools to meet those with significant high needs.

In responding to a question and observations from Councillor A Hughes in relation to EHCP's and those children with disabilities and on the Autistic Spectrum, the Director of Children's Services stated that should children's educational needs be supported on a graduated basis in mainstream provision children could remain in mainstream provision, however there was the need to ensure that the offer of placements in Specialist or out Borough provision was the correct decision for those children who required that provision.

It was accepted that due to the volume of applications for EHCP'S there had been delays. Those assessment delays had also been impacted upon by staff capacity that continued to be problematic. There was the wish for the PCF to be consulted on regarding the provision of EHCP's and specifically in relation to the detail included within those plans.

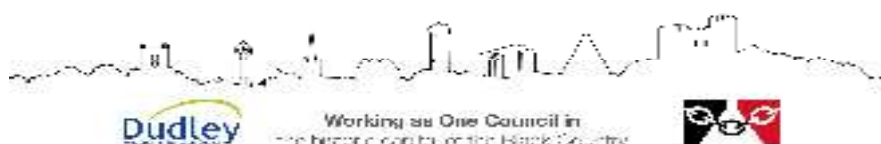
It was emphasised that the ambition to fulfil a child's potential remained and should a child be in a position to remain in mainstream provision with additional support there would be a drive towards that for a child.

The Chair referred to the journey ahead and the need to provide the correct training and support to educational settings and partners, in order to drive those ambitions forward.

Concerns were raised in relation to the provision of EHCP's and that being impacted upon by partners such as health and social workers, as had been the case for many years and the need to grasp the problem once and for all in order to address issues of the timely provision of EHCP's.

Concerns were raised in relation to the following: -

- The lack of progress with Post 19 provision for young people with the most complex needs, and a request for further work to be conducted in relation to that area.
- Parental dissatisfaction, with parents feeling disengaged with the system.
- EHCP's often being of poor quality and failing to contain all health and social care needs and being outcome focused.



In response the Director of Children's Services referred to SEND remaining a huge challenge for the Authority and the Written Statement of Action that was prepared in 2019 being the most lengthy in the Country. It was also stated that when the SEND Code of Practice introduced EHCP's in 2014 that placed new burdens upon the Local Authority who did not receive additional funding to meet those burdens.

There was a new Head of the Dudley Disability Services leading on the work with children and parents/carers planning for Post 19 provision.

In relation to EHCP'S a response was being prepared to the Green Paper that had been issued with the aim to address the provision of care needs from both Adult and Health Services and the joint commissioning of services would be progressed.

The Service Director of Education, SEND and Family Solutions referred to the extensive work that was being undertaken in relation to Post 19 provision for young people with complex needs being out of Borough. Previously provision was provided on what was available rather than being based on the needs and aspirations of the young person and that had been a huge concern for parents. The Service Director undertook to provide further updates to Members in relation to Post 19 provision.

It was noted that work was being conducted in partnership with colleges in order to provide for those post 16 to have the skills to live independently.

In response to suggestions for capturing parents' views, the Service Director of Education, SEND and Family Solutions referred to the 18 separate groups that the PCF had helped join-together, in order to ascertain parental and carers views in relation to SEND and there were also independent surveys conducted by the PCF. That work was currently being evaluated and compliments in relation not the service were also being captured. However, there continued the need to build on those experiences of parents and carers.

It was also noted that the APP had been co-produced with parents/carers, children, and partners.

Resolved

- (1) That the Special Educational Needs and Disabilities (SEND) Re-Visit findings and the Accelerated Progress Plan (APP) and next steps contained in the report submitted, be noted.
- (2) That the Service Director of Education, SEND and Family Solutions be requested to provide details of the work undertaken in relation to Post 19 provision for young people with complex need once structures and co-produced work had been implemented to a future meeting of the Committee.
- (3) That the Director of Children's Services be requested to submit the Accelerated Progress Plan (APP) to a future meeting of the Committee.
- (4) That the Service Director be requested to provide an update in relation to Post 19 provision for young people with complex needs to a future meeting.

10. Children's Services Improvement Plan Update

Members considered a report of the Director of Children's Services on the progress of the improvement actions and the oversight of the Dudley Children's Services Improvement Partnership.

The refreshed Improvement Plan, identifying the five priorities was referred to.

In relation to the Restorative Practice Model work was conducted with the Dudley Children Safeguarding Partnership Group and schools to enable a robust and shared understanding of the practice model, which builds upon the strengths of families and had a strong focus on solutions. That was closely aligned with the trauma informed approach and had a base in 'Think Family'.

The Whole System was a priority that sets out the intention for families to experience a more seamless service across all Children's Services including between early help and children's social care. Work had been conducted with partners to progress a move from a Multi-Agency Safeguarding Hub (MASH) (route through the MASH to Children's Social Care) to a Front Door Approach.

A focussed Front Door Improvement Group had been established to oversee the work which met weekly.

There was the need for community support for some of those referrals in addition to universal support.

For children looked after good process had been made in achieving permanence for them and in the last year, there had been a substantial increase in Special Guardianship Orders (SGO's), in being rehabilitated at home or being adopted into their permanent family.

In January 2022, the Edge of Care Service now entitled 'Families Come First' had been launched. That service included a multi-agency team. Following the implementation in January, the Service had met the needs of three children looked after with one already returning home to their family. (There was a total to date of 101 children whose needs were being met as a result of the Service).

In relation to Priority 3, Learning Objectives, the Authority's Sector Led Improvement Partners South Tyneside were referred to. It was noted that they had tested the Quality Assurance Framework which had been updated in consultation with the Authority's Audit Group. South Tyneside had judged the Framework to be robust, proportionate and better in engaging the practice leadership team across the service in reflecting on and improving practice.

The strengthened arrangements for seeking feedback from children and families was referred to and the areas where that feedback was sought as contained in the report submitted were also outlined.

In relation to priority 4, partnership working, the evaluated tool developed by the NSPCC that assisted professionals and families in understanding and addressing the impact of neglect was referred to, and the work conducted with colleagues in housing to address a range of matters for care experienced young people and families when their children were returning to their care. That included priority consideration for housing and ensuring care leavers had a new central heating system.

Relationships had been strengthened with the Virtual School in order to ensure that children could access a good inclusive education.

In relation to the priority relating to workforce, the Service had retained their commitment to focus on the recruitment and retention of Social Work staff. There had also been the increased commitment to the development of the Assisted and Supported Year in Employment (ASYE) Social Workers during their first year of work following qualification, recognising the value in 'growing your own' social work staff, with the recruitment of 22 new social workers who would take up their posts at the end of Summer 2022.

The attendance at the Compass Job Fair in March 2022 was referred to together with the feedback and the comments from new staff that were outlined in the report submitted. It was noted that the comments had shaped how the Authority had presented themselves and the offer form the Authority to Social Workers.

The Chair echoed his appreciation for the whole system, restorative practice, and edge of care services. He also suggested that the Children's Corporate Parenting Board be presented with some of the survey results referred to above. The 'grow your own' approach and the different methods of working with the Virtual School were also appreciated as great ways of working.

In relation to a query from a Member in relation to Families Come First, the Interim Service Director of Children's Social Care advised that for the most part that would involve a referral of those families/carers in immediate crisis, with workers providing a wrap-around service for those families which would include social workers, youth workers, emotional health and wellbeing, money mentoring and substance misuse teams, providing intensive support in order for families and carers to care for their children and young people.

The Service Director Education, SEND and Family Solutions referred to the Child Adolescent Response Team, a multi-agency disciplinary service that worked with Atlantis House, Youth Workers and the Child and Adolescent Mental Health Services identifying needs and responding upon an expedient basis to those needs.

As the Families Come First Service had been launched in January, a more detailed review of the service would take place once it had been operating for a more lengthy period of time.

The involvement of the Care Leavers Apprentices was appreciated in informing the services provided to young people leaving care.

Members referred to specific cases within their Wards, raising concerns with the Authority's Housing Services and the Director of Children's Services requested Members to discuss and provide details of those specific cases to her in order that she could investigate issues further.

Resolved

- (1) That the information contained in the report submitted on progress of the improvement actions and the oversight of the Dudley Children's Improvement Partnership, be noted.
- (2) That the plan of work for 2022/23 set against the five key priorities contained in the report submitted, be noted.
- (3) That the role of the Department for Education (DfE) appointed Improvement Advisor and the appropriate support and challenge that the role afforded to the Local Authority, be noted.
- (4) That the continuing partnership with South Tyneside as the Sector Led Improvement Partners, that was underpinned by the DfE resource, be noted.

11. **Closing Remarks of the Chair**

The Chair referred to the Local Government Association Training Session that was to take place on Thursday 23rd June 2022 at the Council House and requested all Members to attend.

The Chair referred to the various visits that had been requested, including to the MASH and Family Centres, and it was noted that those visits were currently being arranged by Children's Services.

The meeting ended at 7.40pm

CHAIR



**Minutes of the Future Council Scrutiny Committee
Wednesday, 8th June, 2022 at 6.00 pm
In Committee Room 2, The Council House, Priory Road, Dudley**

Present:

Councillor A Davies (Vice-Chair in the Chair)
Councillors R Collins, J Cowell, T Creed, P Dobb, C Eccles, J Foster, M Howard, I Kettle,
A Lees, T Russon and P Sahota.

Officers:

J Branch (Head of Human Resources, Organisational Development and Inclusion),
D Brennan (Equality, Diversity and Inclusion Manager), Ajaib Paul (Head of Chief Executive's
Office), C Blunn (Corporate Performance Manager) and S Griffiths (Democratic Services
Manager).

1 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors S Ali, C Barnett,
E Lawrence and K Shakespeare.

2 **Appointment of Substitute Members**

Councillors R Collins, J Cowell and C Eccles had been appointed as substitute
Members for Councillors K Shakespeare, C Barnett and S Ali respectively, for this
meeting of the Committee only.

3 **Declarations of Interest**

Councillor J Cowell declared a non-pecuniary interest as a Council tenant.

4 **Minutes**

Resolved

That the minutes of the meetings held on 2nd and 16th March, 2022 be approved as
correct records and signed.

5 **Public Forum**

No issues were raised under this agenda item.

6 **Annual Scrutiny Programme 2022/23**

The Committee considered items to be included in the Annual Scrutiny Programme for detailed consideration by this Scrutiny Committee during 2022/23.

Arising from Minute No. 61 of the meeting held on 2nd March, 2022, Councillor J Foster requested that Democratic Services provide feedback on the adoption of recommendations from the Scrutiny Committee Development Session with the Local Government Association held on 21st March, 2022.

In relation to briefing notes to be received by the Scrutiny Committee, Councillor J Cowell requested that these should be circulated more widely to Members. It was suggested that these should be included on the Council's website and that links should be made available alongside the agenda documents for future meetings.

Resolved

- (1) That the items to be scrutinised by this Committee, as contained in the Annual Scrutiny Programme for 2022/23, be noted.
 - (2) That the Chair and Vice-Chair be requested:
 - (i) To consider the inclusion of an additional item in the Scrutiny Programme concerning the Council's bid for City Status.
 - (ii) To review the timing of the proposed item on Digital and ICT transformation with a view to this being brought forward for early consideration during the municipal year.
 - (3) That, subject to resolution (2) above, the Committee confirm the programme of business as outlined in paragraph 6 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.
 - (4) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2022/23 municipal year.
 - (5) That the terms of reference for the Future Council Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.
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FC/2

7 Equality, Diversity and Inclusion Annual Delivery Plan 2022/23

The Committee considered a report of the Chief Executive on the annual delivery plan for the Council's Equality, Diversity and Inclusion strategy. The Head of Human Resources, Organisational Development and Inclusion presented the report and invited comments from the Committee to enable further consideration and development of the delivery plan over the longer term.

Following the presentation, Members asked questions, made comments and responses were given as appropriate:-

- Councillor A Davies commented positively on reflecting the 'Dudley context' in the document and the performance of the Council as an employer in ensuring that the demographics of the Borough were strongly reflected in the make-up of the Council's workforce. This, therefore, reinforced that Dudley should not adopt measures or policies within the strategy that other authorities may adopt based on challenges or perceived challenges they had but Dudley did not.
- Councillor R Collins referred to the use of the term 'gender reassignment' in the list of protected characteristics and suggested that 'gender preference' or 'gender identity' would be more appropriate terminology. Officers would consider this, however, it was noted that the document reflected terminology currently provided for in the legislation. A suitable comment would be included in the document to clarify this point.
- Councillor R Collins also referred to the potential adoption of 14pt size font as the corporate standard for Council Committee reports. This was supported to promote inclusion.
- Councillor C Eccles referred to difficulties encountered by residents where the Council relied on the use of the internet or electronic systems to conduct community engagement. Specific reference was made to consultation on the Black Country Plan and the £150 energy bills rebate as examples. The Committee considered that access to support should be made easily available for all residents to ensure inclusivity. Councillor A Davies expressed the view that more traditional means of accessing all Council services and support should still be maintained as an option for those who were not able or comfortable with accessing them online, particularly the elderly.



FC/3

- In response to a comment from Councillor J Foster, the Head of Human Resources, Organisational Development and Inclusion set out the historical context to the ongoing work on Equality, Diversity and Inclusion. This included the disproportionate effect the Covid-19 pandemic had on Black and Minority Ethnic communities, a collective grievance registered by trade unions in 2020 and the subsequent commissioning and publication of an independent report by the Birmingham Race Action Partnership (BRAP). A central staff resource had been established and the Council's response was being shaped in consultation with the Corporate Equalities Board. It was important that Equality, Diversity and Inclusion was fully reflected in the Council's People Strategy and in all Directorate service plans.
- Councillor J Foster referred to the role of elected Members and the need to improve training provision. She also referred to representation on the Council and Committees and the need to ensure that political groups affirmed their commitment to ensuring that diversity was reflected amongst their membership and in the appointments they made. Equality and diversity should be viewed as a 'golden thread' running through the work of all Committees and the Council generally. It was considered that this issue should be referred to Scrutiny Chairs to consider in the context of their work programmes.
- Councillor P Sahota welcomed the report and stressed the need for the strategy to be reflected in all policies and plans adopted by the Council. Key Performance Indicators would be necessary to ensure that progress could be monitored and reviewed. He also supported the point concerning the composition of Committees and the need for political groups to lead by example in this regard.
- Councillor P Sahota referred to statistics presented at borough level, particularly relating to the Council's workforce, and the need to view this in context with employees on senior grades compared to those on lower salary grades. He also stressed the importance of exit interviews to identify the reasons why employees left the Council. Managers should nurture talent and encourage employees to progress through effective one-to-one meetings and provide any necessary or associated support.
- Councillor P Sahota expressed the view that more details should be included under Theme 3 in the action plan (ensuring the integration of equality objectives into the commissioning, procuring and delivery of services). All residents were entitled to receive an equal level of service across all wards. The deprivation index could be used in connection with identifying service levels in deprived areas and more affluent areas of the Borough. Equality applied to the delivery of services and Key Performance Indicators could be used to monitor the situation and ensure accountability. Reference was also made to improving engagement with communities, including hard to reach groups.



FC/4

- Councillor A Davies referred to the general workforce figures presented in the BRAP report and the terminology used in connection with Black and Minority Ethnic groups. He expressed the view that different groups faced different challenges and this needed to be recognised. This view was supported by Councillor I Kettle who referred to the differences within communities and the need for a more nuanced approach. This supported the recommendation for additional training for Council officers and increased awareness of different cultures within the Borough.
- Councillor J Cowell referred to the need for a simple and transparent process in reporting and dealing with cases where a potential issue of discrimination was identified. Specific reference was made to the need for a clear process and contact points for the general public and voluntary service/volunteers. The Equality, Diversity and Inclusion Manager reported that the strategy was supported by a range of other policies and legal provisions, such as Dignity at Work, Codes of Conduct, Whistleblowing Policy and Hate Crime reporting. The Council adopted a zero-tolerance approach and these points would be considered further by Officers.
- Councillor J Foster repeated the importance of reflecting diversity in the Council's governance arrangements and made particular reference to the current composition of the Chairs and Vice-Chairs of Scrutiny Committees.
- Councillor T Russon expressed the view that inclusion should be reflected in the first bullet point action on page 14 of the agenda (Equality, Diversity and Inclusion Action Plan 2022/23 (Theme 3)).
- In response to a query raised by Councillor J Foster, the Equality, Diversity and Inclusion Manager reported that the reference to 'good relations' in paragraph 3 of the report was intended to relate to listening, developing relationships and treating people equitably. Councillor J Foster was of the view that the promotion of good relations could be undermined in circumstances where communities were competing against each other for resources.
- Councillor A Davies expressed concern that insufficient emphasis was placed on those negatively impacted by social mobility and socio-economic impact factors. This should be given greater emphasis and prominence in the document and be identified as an immediate priority for year 1 of the strategy to assist all people negatively affected. It was recommended that addressing socio-economic inequality should be incorporated as a key aspect for attention in year 1 of the strategy alongside other actions to support people with protected characteristics.
- Councillor J Foster stated that socio-economic inequality had not been included in the enacted legislation and that it might be appropriate for the Council to make recommendations to the Government in this regard.



- Councillor A Davies expressed concerns regarding the reference to Stonewall in the action plan. Reference was specifically made to the document suggesting that Dudley MBC should join programmes from Stonewall; an organisation which other prominent organisations and Government departments had recently withdrawn from in the light of various issues and concerns. Following the comments made, Officers undertook not to proceed with joining these programmes and potential alternatives would be considered.

Resolved

- (1) That the comments and views of the Committee concerning the Equality, Diversity and Inclusion annual delivery plan 2022/23, as summarised above, be considered further and incorporated in the ongoing development of the delivery plan.
- (2) That the Scrutiny Working Group, comprising all Members of this Committee, provide further contributions to the Equality, Diversity and Inclusion annual delivery plan and review progress.
- (3) That the Equality, Development and Inclusion Team, in conjunction with the Local Government Association, develop further training on Equality, Diversity and Inclusion, tailored to reflect the Dudley context, and that the training be provided to Members of this Committee and made available to all Members of the Council.

8 Corporate Quarterly Performance Report – Quarter 4 (1st January to 31st March, 2022)

A report of the Chief Executive was submitted on the Quarter 4 Corporate Quarterly Performance report covering the period 1st January to 31st March, 2022. The Corporate Performance Manager gave a presentation to the Committee and highlighted key issues. The Committee was requested to review the report and refer any identified issues to the relevant Officers or Cabinet Members.

Members asked questions, made comments and responses were given where appropriate as follows: -

- Councillor P Sahota expressed concern regarding the number of Key Performance Indicators for each Directorate and sought assurance that there were sufficient Indicators to enable critical challenge of the Council's ambitions in major service areas. It was noted that the Key Performance Indicators had been developed to encourage corporate working and to ensure delivery of key corporate outcomes.
- Councillor P Sahota referred to bids for external funding and the need for robust indicators to enable a comparative analysis with other local authorities.



FC/6

- Councillor A Davies acknowledged that the Key Performance Indicator data did not always give the full context, however, the Committee sought assurances that ambitious targets were being set by Directorates. This could be covered by the inclusion of appropriate narrative in the report. It was also suggested that the Local Government Association could provide information on Key Performance Indicators used by other local authorities to assist with comparator data and the setting of challenging targets.
- Councillor A Lees acknowledged the difficulty in measuring the success of external funding bids in view of the multiple funding streams that the Council pursued. It was considered important to measure the progress of key regeneration projects to ensure their timely delivery.
- Councillor I Kettle also referred to information concerning funding bids including the number of bids submitted; the number of successful bids and the cost of submitting those bids. This information could be provided by the Directorate of Regeneration and Enterprise.
- In relation to quarterly reporting on Directorate Plans, it was a matter for the Scrutiny Committee Chair to consider the level of detail required and if the information was more appropriately provided as a briefing note/information item to Members.
- Councillor J Foster indicated that performance improvement updates were received in the capacity as the Deputy Leader of the opposition group. It was important that Members maintained a focus on key performance data and the effective interpretation of information provided. Further training for Members could potentially be sourced externally. The current process for setting Directorate performance targets was queried in the context of these being sufficiently robust and challenging. The existing remit of the Scrutiny Chairs/Vice-Chairs meetings and the potential for further development was also referred to.
- Councillor A Davies stated his view that this Committee was the appropriate forum for performance targets to be challenged and to hold the relevant Directorates and Cabinet Members accountable. It was confirmed that all performance indicators were developed by Heads of Service, Directorates and Cabinet Members and there was an opportunity for this Committee to review the list of indicators and challenge them accordingly.
- Councillor C Eccles referred to the Key Performance Indicators relating to a 'cleaner greener place to live' and questioned whether the targets were sufficiently challenging and ambitious. Councillor A Davies stressed the need for all performance indicators to be ambitious and it was particularly important that Members raised any specific concerns at this Committee during the year.



- Councillor J Cowell referred to corporate complaints and expressed a concern that informally resolved complaints were not appropriately recorded. It was reported that many informal issues were treated as service requests rather than formal complaints. The categorisation of formal corporate complaints would be considered further by the Strategic Executive Board.
- Councillor J Foster queried the training provided to Managers to deal with complaints and requested that more detail be provided at a future meeting of the Committee. A concern was expressed that training was not consistent across the Council and this would be communicated to appropriate senior Officers.
- Councillor C Eccles referred to a potential increase in complaints associated with backlogs that had occurred during the Covid-19 pandemic. More details would be sought from the relevant service areas. It was acknowledged that some employees had been redeployed from their usual duties during the pandemic and it took time for services to return to normal operation. Reference was made to delays in Children's Services assessments as these were dealt with on a multi-agency basis.

Resolved

- (1) That the Quarter 4 Corporate Quarterly Performance report covering the period 1st January to 31st March, 2022, be noted.
- (2) The Corporate Performance Manager be requested to refer the specific issues raised by the Committee, as summarised above, to the relevant Officers or Cabinet Members for appropriate responses.

The meeting ended at 8.05pm

CHAIR



FC/8

Minutes of the Health and Adult Social Care Scrutiny Committee

**Monday 28th March, 2022 at 6.00 pm
in Committee Room 2 at the Council House,
Priory Road, Dudley**

Present:

Councillor M Rogers (Chair)
Councillor C Neale (Vice-Chair)
Councillors R Ahmed, P Atkins, R Body, R Collins, T Crumpton, P Drake, J Foster, P Lee, K Razzaq and D Stanley.

Dudley MBC Officers:

M Abuaffan – Head of Adults and Older People Public Health, J Vaughan – Head of Assessment and Independence and S Griffiths – Democratic Services Manager.

Also in attendance:

Dudley Integrated Health and Care Trust – Dr R Bramble and H Codd
Dudley Clinical Commissioning Group – N Bucktin

45 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors L Johnson, P Lowe, S Waltho and M Westwood.

46 **Appointment of Substitute Members**

It was reported that Councillors R Body, R Collins, J Foster and D Stanley had been appointed to serve as Substitute Members for Councillors S Waltho, L Johnson, P Lowe and M Westwood, respectively, for this meeting of the Committee only.

47 **Declarations of Interests**

Councillor R Collins declared non-pecuniary interests as a Governor for the Dudley Group NHS Foundation Trust and in her capacity as a Ward Councillor for Brockmoor and Pensnett in relation to the High Oak Surgery.

48 **Minutes**

The Chair advised that the Director of Adult Social Care had proposed the following amendment to the third bullet point on Page HASC/40 of Minute No. 43 (Medium Term Financial Strategy):-

- In referring to paragraph 24 of the report, Councillor P Lowe was of the view that some assumptions referred to had been estimated lower than reality and therefore it would be inevitable that the report would need to be amended moving forward. The Director of Adult Social Care referred to the White Paper and proposed Health and Care Bill, in that it was currently assumed in the Medium-Term Financial Strategy that this would be cost neutral, though detailed modelling could not take place at this juncture and may be an area for the Committee to scrutinise further during the next municipal year.

Resolved

That, subject to the amendment referred to above, the minutes of the meeting held on 26th January, 2022, be approved as a correct record and signed.

49 **Public Forum**

Councillor S Greenaway spoke on behalf of residents of Brockmoor and Pensnett Ward and herself as a user of High Oak Surgery. She referred to the poor communication between the surgery and its registered users and the lack of correspondence with the three Ward Councillors with regards to the relocation and closure of the surgery, with all communication being via the surgery's Facebook page. As a result, the Ward Councillors had established their own petition and mini survey for residents. This was carried out in paper form to ensure it was accessible to all residents.

It was commented that although the Petition was ongoing, responses from 328 residents had been collated. Question 1 of the petition asked if the relocation of the surgery had affected residents, with 285 responses stating yes, 12 were unsure or did not answer and 31 residents answered no. Survey results for Question 3 indicated that 95.34% of residents had found it difficult to access care needs since the relocation of the surgery.

It was stated that the Brockmoor and Pensnett Ward had an aging population and that access to Brierley Hill Health and Social Care Centre was not ideal and not direct, with issues with car parking. Although it was considered important in the short term for the existing facilities to be re-established, in the longer term it was residents wish for a state-of-the-art new build centre to be developed which could incorporate other healthcare provisions as well as a doctor's surgery.

Councillor S Greenaway further commented that the Pensnett area had originally been one of the five planned areas for the development of a new health and social care centre as part of the NHS LIFT initiative. This had not materialised and no satisfactory reasons had been provided as to why. High Oak Surgery was established as temporary surgery only, and therefore residents were of the view that any new development as part of the initiative should have been built in the Pensnett area.

It was noted that the issue of High Oak Surgery would be considered later in the meeting under Minute No. 51 below.

50 **Health and Wellbeing Board – Inequalities for 2022/23**

The Committee considered a report of the Director of Public Health and Wellbeing on the ongoing work and key priorities for the Dudley Health and Well Being Board in relation to inequalities across the Borough and to demonstrate the challenges and opportunities to address inequalities across the local system with key partners.

During the presentation of the report, the Head of Adults and Older People's Public Health referred to the work that was being undertaken and the successful achievements to date. It was commented that whilst the impact of COVID-19 had been felt across the whole of the Borough, the highest impact was evident within deprived areas of the Borough. A Sub-Group of the Health and Wellbeing Board had been established, namely Living with COVID Inequalities, to address inequalities and respond to the ongoing impact of Covid-19 across the borough.

The eight key principles of Dudley's Inequalities Framework were outlined, together with one of the key priorities that had been identified to address child poverty. The Head of Adults and Older People's Public Health then outlined the achievements and focus in response to COVID in relation to addressing inequalities; the roll out of the COVID Vaccine programme and the programmes that had been undertaken to support families living in poverty.

Arising from the presentation, Members asked questions, made comments and responses were provide where necessary as follows:-

- Councillor T Crumpton expressed concern with regard to the report presented to the Scrutiny Committee, in that no baseline data or information had been provided for there to be a comparison before and after the impact of the Covid-19 pandemic. He expressed a view that there had been a lack of consultation with the 72 Councillors in supporting communication with local residents and communities. The exceptional work of local community centres during the peak of the pandemic in providing foodbank services was commended, although it was recognised that these communities had not been approached to support Dudley's aspirations in addressing inequalities. In referring to the Covid-19 Marmot Review, Councillor T Crumpton commented on the additional resources



that had been provided to Greater Manchester. The report stated that all of the work programmes would be funded by existing resources. Councillor T Crumpton and was of the view that the Scrutiny Committee needed to be realistic on the level of outcomes if no additional resources were to be invested. In these circumstances, choosing one or two key focus areas to concentrate on would be more appropriate.

The Head of Adults and Older People's Public Health accepted the comments regarding the need for realistic expectations and outcomes taking account of the available budget. A further report, including baseline data, could be submitted to a future meeting to enable further engagement with Members on the priorities.

- In responding to a question raised by the Chair in relation to childhood poverty; what was being done to address child obesity and when it would be likely that the Scrutiny Committee would see tangible data, the Head of Adults and Older People's Public Health commented that the issue of obesity was difficult to tackle as it did not just require a child to be weighed regularly, but required a change in behaviour for the whole family and school environment, and would not be an overnight fix. Some data was currently available, though there was no definitive timeline.
- Councillor J Foster referred to the current increase in Covid-19 cases within the Borough and the additional pressures this was putting on community and healthcare services. It was recognised that the increase in cost of living and the cessation of free Covid testing, would impact on the challenges within the community and concerns were expressed with regard to the longer-term impact from someone contracting Covid. In response, the Head of Adults and Older People's Public Health stated that testing kits continued to be available for NHS and Social Care staff and further guidance and support had been provided by Central Government for those within the community identified as most vulnerable.
- In referring to the priority to address childhood obesity, Councillor R Body expressed concern that this topic had been a priority for numerous years but no tangible improvements had been made. The importance of improving local park areas; encouraging outside activity and tackling adult obesity in the first instance was stressed, as well as the need for the local authority to invest resources to achieve improvements. Councillor R Body referred to vouchers issued to council tenants with children and questioned if any support had been provided to lower-income families that were not council tenants. He requested further details as to how obesity would be tackled. The Head of Adults and Older People's Public Health stated that population obesity would not be easy to tackle, though Public Health was working to help change the focus and mindset of communities, by improving local environments and mental health to help develop healthy lifestyles.

- In responding to a question from Councillor R Body as to when improvements and action would be made in his Ward, the Head of Adults and Older People's Public Health reiterated that tackling obesity required a system wide approach over a long period of time and there was no set timeframe.
- In responding to a question raised by Councillor R Ahmed in relation to how aspirations would be monitored moving forward, the Head of Adults and Older People's Public Health stated that a dashboard would be developed to help monitor achievements and provide statistical information in the future.
- Councillor P Atkins expressed his disappointment concerning the information that had been presented, in particular the lack of strategy, timeline and targets that had been agreed and the fact that priorities continued to be repeated year on year without any tangible improvements being identified. It was requested that a further report be provided in due course to identify a structured approach and presenting the dashboard once established.
- In response to a question from Councillor J Foster in relation to how the Local Authority was working with local fast-food chains to improve healthy eating and address the concern of obesity in the Borough, the Head of Adults and Older People's Public Health agreed to provide further information following the meeting.
- Councillor K Razzaq requested that further information be provided and included in a future report on the work programmes as outlined in the report, providing details in relation to who Public Health was working on each programme, what had been done or was intended to be done and who was carrying out the initiatives/programmes concerned.
- Whilst it was recognised that the Living with Covid inequalities Steering Group had only been established since November, 2021, Councillor Crumpton suggested that the Committee receive regular updates from the Dudley Health and Wellbeing Board on the work and progress of the Board moving forward.

Resolved

- (1) That the information contained in report and presented at the meeting in relation to the ongoing work and key priorities for Dudley's Health and Wellbeing Board in addressing inequalities across the Borough, be received and noted.

- (2) That a further report on Inequalities, identifying a structured approach to how inequalities will be addressed and providing an example of the newly established dashboard, be submitted to the Scrutiny Committee in three-months' time and that the report include further information on the work programmes/work streams as outlined in the paragraph 16 of the report submitted, detailing who is participating in the work stream, what has been done or intended to be done and who is responsible for carrying out the initiatives/programmes.
- (3) That the Head of Adults and Older People's Public Health provide further information following the meeting on how the Local Authority is working with local fast-food chains to improve healthy eating and address the concern of obesity in the Borough.

51 **High Oak Surgery**

A report of the Chief Operating Officer, Dudley Integrated Health and Care NHS Trust (DIHC) was submitted to provide context around the location of High Oak Surgery and the reasons for the relocation.

Following the presentation of the report, Members asked questions and made comments as follows:-

- Councillor R Collins commented on the lack of communication with residents and Ward Councillors and requested reassurance regarding the future provision.
- In response to a question raised by Councillor R Collins, Dr R Bramble agreed to provide clarification in relation to the specific number of people that had responded to the 2021 GP Patient Survey.
- In referring to paragraph 11 of the report and in response to a question raised by Councillor R Collins, it was confirmed that a petition for High Oak Surgery to remain at Brierley Hill Health and Social Care Centre (BHHSCC) had not yet been received.
- In reviewing the potential options available, as outlined in paragraph 16 of the report, Councillor R Collins referred to the omission of a main site remaining in High Oak, with a satellite service available at BHHSCC and questioned if this was something that could be taken into account. Dr Bramble agreed to take on board the suggestion and potential options.
- Councillor R Collins made a proposal for the Committee to consider recommending that DHIC resume discussions with Mr Ramzan with regard to developing a new health centre, giving consideration to the timescales and putting contingency plans in place to help with residents clinical needs; expanding existing appointments in the interim and for a further full consultation to be undertaken so that all residents could have opportunity to respond.

- In referring to the data collation, Councillor J Foster commented that there was a conflict with the comments and concerns expressed by local residents and questioned if residents' concerns were taken on board when the decision to relocate was considered.
- Councillor J Foster also raised concern in relation to the poor transport network to enable residents to attend appointments at BHHSCC and the cost implications that some residents had incurred as a result due to them having to catch taxis due to poor mobility issues.
- Members reiterated the need for a state of the art facility located at High Oak, Pensnett, which would alleviate pressure from services at BHHSCC, particularly as Pensnett had a growing population as a result of new housing developments.
- Councillor Foster expressed proposals for consideration, in that the Scrutiny Committee be requested to hold a single subject scrutiny exercise on this item, to allow the opportunity for residents and stakeholders to attend an open session for all options to be examined.
- In response to a question raised by Councillor P Atkins concerning the 2021 GP Survey, Dr Bramble stated that the survey was circulated by the NHS on a yearly basis, though it was unknown as to how many recipients were registered at High Oak Surgery.
- Members expressed the need to look at all available options and were mindful of the comments made by the three local Ward Councillors and the local residents, together with the regeneration benefits a newly development facility would bring to Pensnett.

Resolved

- (1) That the report on High Oak Surgery, together with the options summary be noted.
- (2) That a single subject scrutiny exercise concerning High Oak Surgery be undertaken at the first meeting of Health and Adult Social Care Scrutiny Committee in the 2022/23 municipal year.
- (3) That the Black Country and West Birmingham Clinical Commissioning Group be requested to pursue ongoing discussions concerning a potential new development at High Oak in the interim period.
- (4) That clarification be provided by the DIHC in relation to the specific number of people that had responded to the 2021 GP Patient Survey.

52 **Annual Scrutiny Report 2021/22**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted to consider the annual scrutiny report for 2021/22.

In referring to the recent Scrutiny Development Session held on 21st March, 2022, it was suggested that the list of topics identified at that session be circulated to Members of the Committee to establish if there were any items of interest that could be scrutinised during the next municipal year.

Resolved

- (1) That the Annual Scrutiny Report 2021/22, be received and noted.
- (2) That the list of topics identified at the Scrutiny Development Session for consideration and inclusion in the work programme for the 2022/23 municipal year be circulated to Members of the Committee.

The meeting ended at 7.55 pm

CHAIR



HASC/50

Minutes of the Health and Adult Social Care Scrutiny Committee

**Wednesday 20th April, 2022 at 6.00 pm
in Committee Room 2 at the Council House, Priory Road,
Dudley**

Present:

Councillor M Rogers (Chair)

Councillors R Ahmed, P Atkins, P Drake, A Hopwood, L Johnson, S Ridney and D Stanley.

Dudley MBC Officers:

M Bowsher (Director of Adult Social Care), M Abuaffan (Head of Adults and Older People Public Health), D Pitches – (Head of Healthcare Public Health), K Philips (Specialist Registrar in Public Health) and H Mills (Democratic Services Officer).

Also in attendance:

S Nicholls and J Young – Dudley Integrated Health and Care NHS Trust

P Wall – West Midlands Ambulance

T Harvey, N Woodman and A Hunt – NHS England and NHS Improvement

53 **Apologies for Absence**

Apologies for absence from the meeting were submitted on behalf of Councillors T Crumpton, P Lowe, C Neale, K Razzaq, S Waltho and M Westwood.

54 **Appointment of Substitute Members**

It was reported that Councillors S Ridney and D Stanley had been appointed to serve as substitute members for Councillors P Lowe and M Westwood, respectively, for this meeting of the Committee only.

55 **Declarations of Interests**

No Member made a declaration of interest, in accordance with the Members Code of Conduct, in respect of any matter considered at the meeting.

56 **Public Forum**

No issues were raised under this agenda item.

57 **National Health Service (NHS) Quality Accounts 2021/22**

The Committee considered the draft Quality Reports and Accounts of NHS Providers for 2021/22, including priorities set out for the respective services for the forthcoming year.

The Committee reviewed the Quality Account reports and documents that had been circulated and made comments as set out below:-

Dudley Integrated Health and Care NHS Trust (DIHC)

2021/22 was reported to have been another unprecedented year for the DIHC Trust. There had been a number of new services incorporated into the DIHC, which included the School Nurse Service. DIHC had continued to support Dudley Primary Care and developed and delivered the Winter Access Hub and Pensnett COVID Assessment Centre and were of the view that the Trust was now picking up its momentum following its establishment in 2020.

It was reported that for the year 2021/22 there had been 14 priorities for improvement under five key themes, which focussed on the core areas of quality of safe, effective and experience. DIHC was of the view that they had achieved reasonably well, despite the continued challenges in response to COVID-19, with over 50% of planned objectives fully achieved, with good progress made in all 14 priorities.

The priorities identified for 2022/23 were outlined which would focus on the core elements of quality and safety; engaging with communities to ensure continuous learning, listening more and putting in place actions; Equality Inclusion and Diversity, specifically improving access to services for people with learning disabilities, increasing annual checks and providing additional support in relation to end of life and bereavement; and developing a robust clinical audit programme, ensuring all learning was implemented and meeting best practice standards to improve patient care.

The Committee were presented with details in relation to the DIHC's clinical audit and performance measures in line with local and national requirements and standards. In referring to the number of incidents reported, it was stated that improvements to the feedback and engagement with patients had been made, with support from the Patient Representatives Group to help shape the process which had resulted in the development of a single complaints/comments email address 'Have your Say'.

Following the presentation of the report, Members made comments and asked questions and responses were provided, where necessary, as follows:-



- In responding to a question raised by Councillor D Stanley in relation to the delays at Russells Hall Hospital and the steps being taken to improve waiting times, it was stated that whilst the Emergency Department did not fall within the remit of DIHC, the Trust did work closely with the hospital to ensure alternative services were available so that patients could be redirected as necessary to alleviate waiting times. Examples provided were the Winter Access Hub which had been extended and the provision of additional General Practitioner (GP) appointments, to release pressure from the hospital.
- Councillor D Stanley commented positively on the information contained in the report and DIHC achievement during 2021/22.
- In response to a question raised by Councillor S Ridney in relation to hearing from children and taking into account their views and how this would be expanded, particularly with the effects of COVID moving forward, it was stated that engagement work had begun with children and young people to understand what young people wanted from the service. An area of concern was around the 16-19 year old cohort, as tailored services were not commissioned for the age range. Engagement would be undertaken with the 16-19 year olds during 2022/23 to develop an understanding of what services they would expect from the school nurse service, working collaboratively with the Special Educational Needs and Disability Service (SEND) and the Clinical Commissioning Group (CCG) to deliver an appropriate service.
- Arising from comments made by Members in relation to access to GP appointments, it was confirmed that DIHC was only directly responsible for the High Oak surgery provision and all other GP Practices were independent. It was stated that a number of Trust staff were deployed access Dudley practices to provide support and alternative care provisions to help release GP appointments.
- Arising from a question raised by Councillor L Johnson, it was stated that the additional appointments referred to were bookable via the NHS 111 assessment service.
- In referring to Dudley Primary Care, in particular that they were not required to complete a Quality Account report, Councillor R Ahmed questioned how their performances and progresses were monitored. In response it was stated that the CCG who commission the service on behalf of the NHS, would monitor performance via their contractable arrangements.

- Arising from a question raised by Councillor S Ridney in relation to what plans were expected for the school nurse service, it was stated that there had been a slight change in the service structure since it had integrated into DIHC and it had been a challenge to recruit School Nurses, although recruitment continued to be promoted. The Service was in discussions with Public Health with regards to the commission of a fully integrated 16-19 year old service. It was recognised that the service needed to be more proactive for the benefit of our children, as there had been a shift in focus during the pandemic.

West Midlands Ambulance Service University NHS Foundation Trust (WMAS)

The Committee received a presentation providing an overview of the WMAS Trust, an update of achievements in relation to the 2021/22 priorities and the proposed priorities for 2022/23.

Whilst the WMAS Trust were proud overall of their achievements during the year, it was recognised that there had been significant challenges. Although the West Midlands remained the best performing 999 call answering service, it was acknowledged that calls were not answered as quickly as they had been in previous years.

The category one performance correlation with Hospital handover delays were outlined and it was reported that there had been a significant rise in the number of handover delays than in previous years, which had set performance levels below the national standard. Members were however advised that the data presented did not just represent the Dudley Borough, but the West Midlands as a whole and data specifically to Dudley could be provided following the meeting.

It was identified that there had been an increase in demand for the service, although there had been a reduction in the number of patients conveyed to the Emergency Department. WMAS fleet continued to be under five years old and the newest in the country and the West Midlands were the only trust to have a full range of electric vehicles in operation.

In referring to digital development it was reported that the NHS 111 Assessment service and the 999 emergency call service had integrated and all staff were now dual trained and fully interchangeable.

It was reported that 2021/22 priorities in relation to cardiac arrest management and maternity care had been achieved, although the priority to reduce the volume of patient harm incidents and learning from our patients feedback had not been completed entirely, although progress had been made in both areas.

The priorities for 2022/23 were outlined which included integrated urgent and emergency care clinical governance, maternity, mental health, utilisation of alternative pathways including urgent community response, and developing the role in improving public health.



Following the presentation of the report, Members made comments and asked questions and responses were provided, where necessary, as follows:-

- Members requested that localised data be provided following the meeting.
- Questions on the role of the university within the Trust and if they were an active partner; was the Trust struggling to recruit paramedics and what was West Midlands Ambulance Service doing to promote and encourage the use of defibrillators were raised by Councillor D Stanley. In response it was confirmed that the University worked closely with under and post graduate staff and that recruitment in the West Midlands was the highest in the Country. It was stated that students could train directly with the university, alternatively WMAS offered packages working closely with the university as well as providing training on the job. Staff retention in call centres fluctuated with a high turn-over and difficulties were encountered when trying to appoint call centre clinicians.
- In response to a question raised by Councillor P Atkins as to what WMAS were doing to try to reduce the delay in response times, it was reported that patients were assessed to establish the best and most appropriate treatment for their condition. Crews were supported on site by Call Centre Clinicians, and all had access to the in-house care portal which advised of alternative care pathways. It was recognised however that hand-over delays at hospitals had significantly impacted upon Ambulance response times.
- Councillor P Atkins referred to how the WMAS Trust would monitor and identify learning from patients that had been conveyed to the Emergency Department, although could have been directed to an alternative care pathway and queried if this would be achievable. It was acknowledged that this would be difficult to monitor and would need to be reviewed on a case-by-case basis.
- In response to a question raised by Councillor P Atkins it was confirmed that WMAS operated a flat rate work-force structure and that there were no imminent plans to employ advance paramedics. There was however routes for staff progression into the air ambulance and incident response teams for those members of staff who wished to progress into a higher level of skills.
- Councillor P Atkins referred to the use of electrical vehicles and requested comparative data between electric and regular fleet and whether it was cost effective or to meet with environmental aspirations.
- Arising from a question raised by Councillor D Stanley information on how calls were triaged to identify a patient with Sepsis would be provided following the meeting.

Dudley Group NHS Foundation Trust (DGFT)

In the absence of a representative from the DGFT, the Quality Account report submitted on behalf of the Dudley Group NHS Foundation Trust was taken as read and Members of the Committee were requested to submit any comments by email to the Democratic Services Officer.

Resolved

- (1) That the Quality Reports and Accounts of NHS Providers for 2021/22 and the priorities set out for the services for the forthcoming year be received and noted.
- (2) That West Midlands Ambulance Service be requested to provide the Committee with Dudley level performance data; provide confirmation in relation to how frequently audits of ambulance conveyances takes place each year; provide confirmation of the effectiveness of electric vehicles and provide information on how calls are screened/triaged to identify Sepsis.
- (3) That West Midlands Ambulance Service further consider the feedback from front line staff to contribute to a culture of continuous learning.
- (4) That Members of the Committee submit any comments in relation to the Quality Accounts Report for The Dudley Group NHS Foundation Trust by email to the Democratic Services Officer.

58 **Dental Services Briefing**

A report of the National Health Service England and National Health Service Improvement Dental Commissioners was submitted to provide the Committee with an update with regards to the current position in relation to the dental service, in response to concerns raised regarding access specifically for children in care.

The Senior Commissioning Manager Pharmacy, Optometry and Dental, together with the Deputy Head of Commissioning and the Consultant in Dental Public Health were in attendance at the meeting and gave a brief presentation on the background to the dental service, highlighting the key impacts that had been caused from the COVID pandemic, the backlogs as a result and the recovery measures and initiatives being put into place.

Graphs identifying dental activity in the West Midlands and locally were presented. The data for the West Midlands identified recovery was in-line with national guidance, although it was reported that locally it was slightly below the national average, though activity had begun to increase, particularly within the adult cohort.



It was reported that moving forward it was important to effectively manage communication to address public expectations. It was stated that it would take several years for dental services to return to the same level of service that was provided prior to COVID, due to a lack of capacity and that six monthly routine appointments were not clinically necessary, and patients should be seen based on their individual level of risk.

Arising from the presentation of the report, Members asked questions, made comments and responses were provided as necessary:-

- Councillor R Ahmed raised a concern in relation to dentists being unable to see NHS patients as they were waiting approximately 4 to 6 months for a performance list number and questioned what measures were being taken to improve the turn around. The Senior Commissioning Manager Pharmacy, Optometry and Dental confirmed that this was not an area within the teams remit, although they were aware of delay issues. Individual Dental Practitioners should contact the Medical Directorate directly with regard to any significant delay.
- In response to a further question from Councillor R Ahmed, it was stated that newly qualified dental practitioners were usually in post quickly after qualifying. It was known that there had been a recent issue in relation to a delay in DBS checks, but this had since been resolved.
- Councillor S Ridney referred to the issues experienced by children in care accessing dental care, although it was acknowledged that this issue had since been resolved by Public Health. Concerns were expressed however in relation to all children in the borough and statistical information in relation to the number of children with dental decay was requested. In response it was confirmed that surveys were ordinarily commissioned every two years for 5 year-olds, although COVID had impacted upon the undertaking of the last survey, however data from 2019 could be provided. A further survey was expected to be undertaken this year. A survey of 12 year olds would be undertaken in 2023, which would be useful and data could again be provided once completed. It was reported that a survey for 3 year olds had been planned for 2021, which was an emotive issue, however this had been halted due to COVID and a date of when this would now be undertaken had yet to be confirmed. It was recognised that more work was required to promote access and an engagement exercise was programmed to bring the four Black Country Authorities together to identify best practice and to target the most vulnerable communities. A £300,000 funding initiative, hosted by Birmingham, was in development and would be disseminated across the region, which would include the provision of toothbrushing packs in food parcels which would target vulnerable communities.

- Councillor S Ridney expressed concern with regard to the hardship that some families were experiencing and would continue to experience in the current financial climate. The need to protect our children was vital and it was disconcerting that children were allowed to have poor dental health hygiene. It was recognised that the impact from the slump in attendance as a result of the pandemic was still to be seen, although children’s appointments were now a priority and attendance was on the increase.
- In responding to a question raised by Councillor S Ridney in relation to what initiatives were being put into operation to improve dental health care in children, it was reported that as an outcome from the pandemic weekend access schemes were being implemented, which would enhance the service and create more available appointments. Training, together with a peer review for Dentists for children had begun, which was envisaged would alleviate pressure of the backlog, with dedicated sessions for children’s appointments only, however this scheme had been suspended whilst further funding was explored.
- Arising from further questions by Councillor S Ridney in relation to what educational programmes were being promoted in schools and if the School Nurse could provide support, it was stated that a supervised tooth brushing programme was being promoted and the service continued to work with public health to target intervention. It was recognised that there were inequalities within the service and there was a lot of work to be done internally to address in equality and engage with vulnerable groups to address access problems.

Resolved

- (1) That the information contained in the report and presented at the meeting be received and noted.
- (2) That a copy of the presentation slides and statistical information in relation to tooth decay in children in the Dudley Borough be circulated to Members of the Scrutiny Committee.

59 **Corporate Quarterly Performance Report – Quarter 3 (1st October, 2021 to 31st December, 2021)**

The Committee considered a joint report of the Director of Adult Social Care and the Director of Public Health and Wellbeing on the Quarter 3 Public Health and Wellbeing and Adult Social Care Quarterly Performance Report, covering the period 1st October to 31st December, 2021.



The Director of Adult Social Care stated that all performance indicator targets for the quarter 3 period for Adult Social Care had been met. In referring to the short term down trend in relation to performance indicator PI 501 – Prop of 65+ at home 91 days after discharge from hospital into reablement services, it was stated that this was as a result of the high level of hospital discharges and the Council’s in-house reablement team having to be diverted to provide domiciliary care, due to the need to prioritise care support. However, moving forward into the new financial year, there was a need for staff to return to providing a reablement service. It was noted that during the pandemic additional COVID related funding had been provided to support Adult Social Care Services, which had now ceased, though the demand for a high level of hospital discharges continued and the Directorate was juggling to meet the priority demand of care, with the need to provide prevention work.

In referring to performance indicator PI 2131 - Percentage of delayed transfers of care as a percentage of occupied beds, the Director of Adult Social Care stated that data continued to be considered on a daily basis, and at the time of presenting the report there were 22 delayed transfers of care for the Local Authority, 12 of which were planned for discharge within 24 hours. A key challenge moving forward would continue to be workforce recruitment.

In referring to performance indicator PI. 2132 – percentage of contacts to adult social care with an outcome of information and advise/signposting, the Director of Adult Social Care indicated that an increase in the percentage of contacts was positive, and there was an open invitation for all Members to observe the new portal in operation.

Councillor S Ridney commented positively in relation to performance indicator PI 2133 – Percentage of working age service users (18-64) with a primary support reason of learning disability support who were living on their own or with their family and supported the development of additional care housing in Brierley Hill for older people. The Director of Adult Social Care confirmed that Full Council would be appraised on progress.

The depleting social care workforce was discussed, and it was hoped that the development of apprenticeships in Dudley would encourage young people to choose a career within social care, although it was considered that there was a need to make the roles more attractive and career progressive for the next generation, as well as addressing the fuel and cost of living crisis.

Councillor D Stanley commented positively on the achievements, although questioned whether the targets were set too low. In response, the Director of Adult Social Care commented that due to recent changes within the service, as an impact of COVID, the Performance Indicators listed were no longer relevant and the key risks now related to delays within the Community, including those waiting for assessment and review, the provisions of blue badges, and occupation therapy.

In referring to the delayed transfer of care, Councillor P Atkins requested that informatics be included.



The Head of Adults and Older People Public Health presented the performance data on behalf of the Directorate of Public Health and Wellbeing and in doing so confirmed that three out of the seven performance indicators had performed below target and one had no data reported. It was noted however that this period of reporting coincided with the peak of the Omicron variant which impacted upon service delivery.

Resolved

- (1) That the information contained in the report and presented on the Quarter 3 Public Health and Wellbeing and the Ault Social Care Quarterly Performance Report of the financial year 2021/22 covering the period 1st October to 31st December, 2021, be received and noted.
- (2) That informatic data in relation to Delayed Transfer of Care be provided.

The meeting ended at 8.35 pm

CHAIR



HASC/60

Minutes of the Health and Adult Social Care Scrutiny Committee

**Wednesday 15th June, 2022 at 5.00 pm
in Committee Room 2 at the Council House,
Priory Road, Dudley**

Present:

Councillor M Rogers (Chair)
Councillor P Atkins (Vice-Chair)
Councillors R Collins, T Crumpton, J Foster, M Hanif, A Hopwood, L Johnson, P Lowe,
M Qari, K Razzaq and D Stanley.

Dudley MBC Officers:

M Bowsher – Director of Adult Social Care, M Abuaffan – Acting Director of Public Health and Wellbeing and S Griffiths – Democratic Services Manager.

Also in attendance:

Dudley Integrated Health and Care Trust – P King, Dr R Bramble and H Codd
Black Country and West Birmingham Clinical Commissioning Group – S Basi and S Terry

Councillor I Bevan (Cabinet Member for Public Health and Wellbeing)

1 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors R Ahmed, A Davies and J Elliott.

2 **Appointment of Substitute Members**

It was reported that Councillors R Collins and J Foster had been appointed to serve as Substitute Members for Councillors J Elliott and R Ahmed, respectively, for this meeting of the Committee only.

3 **Declarations of Interests**

Councillor R Collins declared a non-pecuniary interest as a Governor for the Dudley Group NHS Foundation Trust.

Councillors R Collins and J Foster reminded the meeting that they were Ward Councillors for Brockmoor and Pensnett in relation to the agenda item concerning High Oak Surgery.

Councillor I Bevan attended the meeting in his capacity as Cabinet Member for Public Health and Wellbeing. He declared a non-pecuniary interest in view of his employment at Russells Hall Hospital.

4 **Minutes**

Councillor R Collins requested an amendment in the second paragraph of Minute No. 49 (Public Forum) in relation to the petition and question 1 in the mini survey as referred to in that Minute. This concerned whether the moving of the High Oak surgery had affected the resident. There had been 328 responses, of which 285 or 86.89% answered yes. 12 or 3.4% said they were unsure or did not answer the question and finally 31 or 9.71% said no, however, 15 of them went on to explain that another family member or friend had been affected.

Councillor M Qari queried the progress and timescale for reporting on the surveys referred to in the third bullet point on page HASC/57 (See Minute No. 58 - Dental Services Briefing). It was requested that a be presented to the Committee on 8th September, 2022.

Resolved

That, subject to the amendment and comment referred to above, the minutes of the meetings held on 28th March and 20th April, 2022, be approved as a correct record and signed.

5 **Public Forum**

No issues were raised under this agenda item.

6 **Annual Scrutiny Programme 2022/23**

The Committee considered a report on the items to be included in the Annual Scrutiny Programme for detailed consideration by the Scrutiny Committee during 2022/23.



Councillor M Qari referred to the item on Inequalities to be considered by the Committee on 8th September, 2022. The Committee requested that the scope of this report should include the widening gap of inequalities, impact on vulnerable people and the Black and Minority Ethnic community caused by Covid-19.

In response to a query from Councillor D Stanley, the Chair confirmed that the Woodside Centre would be considered at a meeting on a date to be arranged as a single agenda item.

Resolved

- (1) That, subject to the comments set out above, the items to be scrutinised by this Committee, as contained in the Annual Scrutiny Programme for 2022/23, be noted.
- (2) That the Committee confirm the programme of business as outlined in paragraph 7 of the report submitted, subject to the need for flexibility to reflect any changes that might arise during the municipal year.
- (3) That the Lead for Law and Governance, following consultation with the Chair and Vice-Chair, be authorised to make all the necessary arrangements to enable this Committee to undertake its programme of scrutiny work during the 2022/23 municipal year.
- (4) That the terms of reference for the Health and Adult Social Care Scrutiny Committee, as set out in the Appendix to the report submitted, be noted.

7 High Oak Surgery

Further to Minute No. 51 of the meeting held on 28th March, 2022, the Committee received a joint report of the Chief Operating Officer, Dudley Integrated Health and Care NHS Trust (DIHC) and the Managing Director for Dudley at Black Country and west Birmingham Clinical Commissioning Group (CCG). The report provided context around the temporary relocation of High Oak Surgery including the current provision of services, changes in primary care, a health needs analysis of the local population and the next steps in determining the future location of the surgery.

The Chair welcome everyone to the meeting and asked all participants to introduce themselves. A presentation was then given by the Chief Operating Officer of DIHC setting out the background, current provision, health needs analysis, engagement activity and future plans. Copies of the presentation slides had been circulated to Members and updates were given where necessary.

Following the presentation, Members asked questions and made comments as follows:-



Councillor J Foster expressed the view that this should not be the only Scrutiny Committee meeting in relation to High Oak and that Dudley Healthwatch and other stakeholders should be invited to participate in a future meeting. It was suggested that a future meeting be held in a local community centre.

Councillor I Bevan (Cabinet Member for Public Health and Wellbeing) acknowledged that this was a complex issue and was taking a considerable amount of time to resolve. Covid-19 had led to the adoption of new ways of working. It was clear, however, that residents wanted a GP surgery in the local ward and he supported this view.

Councillor J Foster questioned the reference to Dudley having a unique set of health challenges and inequalities (see paragraph 25 of the report). It was clarified that this applied specifically to the Brockmoor and Pensnett ward and the Borough as a whole.

In response to further questions from Councillor J Foster, background information was given on the decision to repurpose the High Oak Surgery into a respiratory assessment centre at the start of the Covid-19 pandemic in April 2020. Clinical needs had been considered in making a difficult decision that had to be made extremely quickly. Decision-makers had considered all the circumstances and available options to arrive at a reasonable decision.

The GP surgery had been temporarily located to Brierley Hill Health and Social Care Centre. The respiratory assessment closed in June 2021, however, due to the anticipated risk from the Omicron strain of Covid-19, the centre had been kept on standby. High Oak surgery operated out of a portacabin on the Pensnett site. The portacabin was poor quality and belonged to Black Country and West Birmingham CCG. The car park was owned by the local authority. The surgery continued to operate at the Brierley Hill Health and Social Care centre.

Councillor J Foster referred to the health needs of the local population including those classed as clinically vulnerable. She queried the impact of Covid-19 on the local population. Further details were requested for the next meeting including information on reduced life expectancy and inequalities.

Councillor J Foster referred to the next steps including a joint public engagement exercise. It was queried as to whether this would be undertaken in-house or by an independent organisation. The public required confidence that the process was independent and objective. Engagement had already taken place with Dudley Healthwatch in this regard. DIHC wished to progress this with a view to arriving at balanced decisions.

Councillor D Stanley referred to the lack of facilities for residents in Pensnett and the high levels of need identified in that area. He expressed concern regarding the surveys that had been carried out. Specific reference was made to the identification of a site to provide the service and the availability of land. He also questioned information in the report concerning life expectancy. There was evidence to show that there was an 11-year variance in life expectancy in some deprived areas of the borough compared to more affluent wards.



Councillor R Collins referred to the GP survey and the lack of reference to closure or the future site. The potential return of a surgery to High Oak was questioned. It was reported that the intention was to move on to a formal consultation phase and initial meetings had taken place with Councillors and a Member of Parliament.

Councillor P Lowe stated that the arrangements in relation to the High Oak surgery were intended to be temporary rather than permanent. He expressed concern that those impacted by the temporary arrangement had been misled and this caused issues of trust with the community. He was of the view that High Oak surgery should return to Pensnett and all future options could then be considered. There was a need for independent consultation with questions to be agreed by all stakeholders to avoid any potential conflicts of interest.

Councillor P Lowe recommended that the Committee fully endorse the return of the GP surgery and services to Pensnett and that the Cabinet Member for Public Health and Wellbeing be supported in his efforts to work towards this in conjunction with partners. Further, it was recommended that High Oak Surgery be retained as a standing agenda item for this Committee until the surgery was returned to Pensnett.

Councillor T Crumpton supported the view that High Oak should have its own GP surgery. However, further action was necessary to tackle wider health issues and inequalities and there was a need for further information on the overall investment of resources in the ward. The Council should aspire towards equality of treatment and investment across the Borough.

Councillor J Foster referred to the interest shown by a local pharmacist who was not able to attend this meeting. It was considered that a purpose-built surgery would support the wider regeneration of the High Street. Further discussions were necessary to develop these possibilities. However, it was acknowledged that any proposals would need to be dealt with through formal NHS procurement processes. It was considered inappropriate to serve over 4,000 patients in a portacabin that was at the end of its sustainable life. On 29th March, 2022 there were 4,082 patients at High Oak. In the medium term, the goal was to return services to meet the needs of the local community pending a longer-term solution and the possible development of state-of-the-art facilities.

Councillor P Atkins commented on the temporary decision made due to the Covid-19 pandemic and the need to restore the status quo in respect of High Oak surgery. He referred to the proposal set out above and acknowledged that proposals should be dealt with through formal NHS procurement processes. He requested the view of the CCG and their intentions as a commissioning service. The CCG were considering learning from the Covid 19 pandemic in their service transformation and wished to undertake an intelligent commissioning process. Improvements had been considered and some services reinstated subject to premises being compliant and fit for purpose.



Councillor R Collins read a statement on behalf of Councillor S Greenaway expressing significant concern regarding the engagement of the community in the consultation and questioning the validity of the data presented in the report. Concern was expressed that the consultation may be biased as the surgery now operated from Brierley Hill Health and Social Care Centre and there were some patients that had decided to register with the surgery based on its current location. Residents were concerned that a decision had already been made and the consultation was not meaningful. Councillor S Greenaway also called for cooperation between all three ward Councillors to work jointly to help with the consultation process and to approach Travel for West Midlands concerning the re-evaluation of the level of public transport that currently ran between Pensnett and Brierley Hill Health and Social Care Centre as a matter of urgency.

Councillor T Crumpton also referred to the concern of residents that the consultation may be predetermined. Assurances were given that all available options would be considered, however, the current accommodation at High Oak was not fit for purpose and was reaching the end of its sustainable life.

Councillor P Lowe referred to the role of DIHC and made specific reference to the estates review. The results/analysis of consultation and engagement would be presented together with a preferred option. A final decision rested with Black Country and West Birmingham Clinical Commissioning Group (Integrated Care Board). The limitations were recognised. Efforts to improve and enhance the consultation were supported. However, it was important that this Committee gave a clear statement of its views and that services should return to High Oak as they existed prior to temporary arrangements being made. This should be the starting point for further consultation and consideration of the future arrangements.

Following further discussion, it was

Resolved

- (1) That the information contained in the report and the associated presentation concerning High Oak Surgery be noted.
- (2) That this Committee believes that the GP surgery and services should revert back to Pensnett.
- (3) That the Cabinet Member for Public Health and Wellbeing be supported in undertaking further discussions with partner organisations and that a further report on the outcomes be submitted to the Committee in due course.
- (4) That the views expressed by the Committee, as summarised above, be considered further and that responses be provided to specific issues raised by Members.
- (5) That further work be undertaken with the CCG to develop a joint engagement plan and to ensure that consultation is real and meaningful, however, this is subject to and dependent on services being returned to Pensnett as per the pre-Covid situation.



HASC/6

- (6) That the Stakeholder Panel be reinstated and that a meeting of the Panel take place in advance of the next meeting of this Committee in respect of the High Oak surgery.
- (7) That the Chair and Vice-Chair be authorised to determine the arrangements for a further meeting of this Committee to consider the High Oak issue taking account of the views and suggestions made by Members at this meeting.

The meeting ended at 7.00pm

CHAIR



HASC/7

**Minutes of the Housing and Public Realm
Scrutiny Committee
Wednesday 30th March, 2022 at 6.00 pm
In Committee Room 2, Council House, Dudley**

Present:

Councillor I Bevan (Chair)
Councillor S Henley (Vice-Chair)
Councillors K Ahmed, A Aston, D Borley, R Collins, J Clinton, A Davies, A Finch, P Sahota,
S Saleem, D Stanley and W Sullivan

Officers:

B Heran – Deputy Chief Executive, E Bradford, Head of Street, Green Care and Amenity Services and N McGurk, Head of Traffic, Transportation and Engineering Services (Directorate of Public Realm), I Grosvenor, Finance Manager and K Griffiths – Democratic Services Officer (Directorate of Finance and Legal).

Also in attendance

A Greatholder, Principal Policy and Strategy Officer and J Thrush (Transport for West Midlands) for Agenda Item No. 6 – West Midlands Local Transport Plan – Engagement on the Draft West Midlands Local Transport Plan 5 Core Strategy
C Coe, Team Manager, P Griffiths, Head of Housing Assets and Development, M Lowthian, Interim Head of Neighbourhoods and Communities and J Steventon, Head of Housing Maintenance (Directorate of Housing and Community Services) for Agenda Item No. 8 – Corporate Quarterly Performance Report – Quarter 3 (1st October to 31st December, 2021)
A Vaughan, Interim Director of Public Realm - Observing

Together with one member of the public

30 **Chair's Comments**

The Chair expressed his appreciation to all Members, Officers and members of the public for their contribution to the Committee and for the support, courtesy and respect provided to him as Chair and Councillor S Henley as Vice-Chair throughout the 2021/22 municipal year.

Councillor A Finch

The Chair, on behalf of the Committee, thanked Councillor A Finch for his valued contribution to the Committee during his time as a Councillor for Dudley and wished him all the best for the future.

31 **Apology for absence**

An apology for absence was submitted on behalf of Councillor T Westwood.

32 **Appointment of Substitute Member**

It was reported that Councillor R Collins had been appointed as a substitute Member for Councillor T Westwood, for this meeting of the Committee only.

33 **Declarations of Interests**

No member made a declaration of interest in accordance with the Members' Code of Conduct.

34 **Minutes**

Resolved

That the minutes of the meeting held on 27th January, 2022 be confirmed as a correct record and signed.

35 **Public Forum**

In responding to a question from a member of the public it was highlighted that the mode of transport the majority of Committee Members and Officers had used to attend the Scrutiny Committee, was by car. The use of a car was considered the best option and most reliable method of transport and concern was raised in relation to educating the public into using public transport, particularly as the current system was so unreliable. The role Members of the Council had to ensure that the Local Transport Plan was adequate for Dudley residents was referred to, however, it was envisaged that collaborative working with Members, officers and key stakeholders was essential to ensure the objectives of the Plan were delivered.

The Committee heard representations from the same Member of the public in relation to the alleged plans to build a high concrete viaduct on the canal embankment to allow the Dudley tram to travel to and from the Merry Hill Centre. It was suggested that the tram tracks be positioned on the opposite side of the canal or elevated above

the water level which would protect the landscaping and allow boats to sail underneath the tracks.

In referring to the canal at Leasowes Park, although it was acknowledged that the canal had been restored by the Local Authority twenty years ago, it had not been filled with water and it was requested that consideration be given to rectify the issue.

The same member of the public referred to the poor condition of the cycle-walkway from Pensnett Local Nature Reserve to Himley and requested that action be taken to repair the cycle-walkway to allow a safer walkway for the public.

A petition incorporating the points raised above had been submitted to the Chair of the Committee prior to the meeting. Members were urged to sign the petition at the end of the meeting and completed forms be sent back to the member of the public for action.

Councillor D Stanley acknowledged and supported the comments made above. The issues raised had been previously discussed and the lack of consideration and action was considered unacceptable. In referring to the Kingswinford branch railway line, it was noted that it had been established in 1923 and was abandoned as a railway line in the 1960s and converted into a walkway. However, the part of the walkway that was located in the Dudley Borough was in a poor condition compared to the part of the path that was located in Staffordshire. Investment was considered essential to ensure the footpath was brought up to national standard to encourage increased usage of the footpath and avoid fly tipping in the area.

36 **West Midlands Local Transport Plan – Engagement on the Draft West Midlands Local Transport Plan 5 Core Strategy**

A report of the Deputy Chief Executive was submitted on the development of a new West Midlands Local Transport Plan and in particular the engagement on the new Local Transport Plan Core Strategy, which commenced on 7th February, 2022. Representatives from Transport for West Midlands were also in attendance at the meeting.

A Greatholder, Principal Policy and Strategy Officer referred to the statutory duty to produce and review a Local Transport Plan (LTP) for the West Midlands area. The West Midlands Combined Authority (WMCA), as the Local Transport Authority (LTA) had developed an LTP, in partnership with the seven metropolitan districts/authorities and key stakeholders, incorporating and supporting the WMCA's core priorities to ensure that all future funding bids and transport activity was optimised to meet the Corporate Aims and Objectives agreed by the WMCA Board in November, 2021. The LTP included policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within the LTA area, together with proposals for implementation. The LTP was considered a critical document to ensure that the West Midlands public's interests in relation to transport and its impacts were considered in a range of decisions.

Since the adoption of the current LTP, Movement for Growth in 2016, significant changes to the policy had been highlighted, particularly in relation to the impact of the Covid-19 pandemic, consideration to recharging the West Midlands as part of the recovery process, the challenge of climate emergency, and addressing inclusive growth. The mobility sector had been identified as a key sector for the West Midlands and collaborative work with the seven constituent authorities and key stakeholders was essential in planning future work opportunities. The increased cost of living crisis, how it was affecting disposable income, the impact on transport with rising fuel costs and the challenges faced in relation to use of public transport as a result of the Covid-19 pandemic would also be considered as part of the new LTP.

The Green Paper had been published in July 2021. The Green Paper served as a consultation document for the general public, businesses and other key stakeholders in the West Midlands and was based around the five key Motives for Change, creating a fairer society, supporting local communities and places, becoming more active, tackling the climate emergency and sustaining economic success. The Motives for Change had been developed as part of an evidence gathering exercise, where 612 responses had been received. A summary of the results of the engagement process was outlined in the report submitted. It was acknowledged that whilst the use of private vehicles would remain an important mode of transport in the future, it was recognised that car usage needed to reduce, however, in order for this to be achieved, a significant change in travel behaviour was required.

Reflections from the Leaders Summit held on 24th September, 2021 were referred to. Leaders recognised the need for a change in approach. Local Authorities were expected to lead on implementation, and it was emphasised that to progress, the plan must be fair, transparent and delivered public aspirations.

The draft Core Strategy outlined the aims and objectives of the new LTP. The key aim was not to prevent the use of the car but to reduce mileage. Whilst it was acknowledged that cars would continue to play an important role in the future transport system, it was envisaged that there could be a travel system suitable for all. The vision for a 15 minute neighbourhoods within a 45 minute region was referred to where it was intended that services within neighbourhoods could be accessed by “walking or wheeling” in a round trip of 15 minutes and accessing services within the region by “ride” modes within a 45 minute trip. The idea was for all modes to be supported by options to access cars and vans without owning a vehicle and underpinned by mobility hubs that brought transport services together to create transport interchanges with greater amenity.

The objectives of the LTP had been framed around five Motives for Change, Delivering Inclusive Growth would mean that social needs, economic ambitions and responsibilities to the environment were being achieved. The aim was to encourage all citizens to help shape, contribute and benefit from the advancement of the region. However, it was recognised that to achieve the aims and objectives set out in the LTP, a behaviour change was required to support and improve accessibility, reduce traffic and electrify transport.



The benefits that would be targeted from a better transport system would be achieved by focusing on six “Big Moves”, which related to the avoid, shift and improve framework. The Big Moves approach intended to improve the transport system to encourage a change in travel behaviours and deliver a plan against the Motives for Change. The need to consider accessibility more holistically was essential in achieving the aims and objectives. An overview of each of the six Big Moves were provided in Appendix 2 to the report submitted.

It was noted that a consultation exercise had commenced on 7th February, 2022 on the LTP Core Strategy and would conclude on 4th April, 2022 which focused on the three principles of engagement, being more inclusive, the need to be unbiased and empowering and being deliberative. The timeline for developing the LTP and next steps were outlined at the meeting.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- In referring to the need for people to change current behaviours in terms of travel, Members considered that people preferred the use of private vehicles as public transport was unreliable. The current transport system required significant improvement before people would consider the use of public transport rather than private vehicles. The lack of buses that travelled to Birmingham was considered poor, particularly as there was currently no direct bus route from Dudley to Broad Street, Birmingham, requiring people to either use the Metro or take another bus journey. It was essential that the LTP incorporated transport links to main cities which would attract more custom. In acknowledging the comments made, J Thrush indicated that public transport in the West Midlands was mainly used for Town Centre journeys. Significant improvements were required, and consideration was currently being given to introducing a system similar to that used in European cities. Advanced integrated systems and infrastructure connecting all main centres by bus, rail and tram were all key factors in attracting better usage of public transport and which would be considered as part of the LTP as well as improved permanent cross city bus routes to access the wider area of Birmingham.
- Councillor S Henley raised concern in relation to the lack of bus operatives within Transport for West Midlands, particularly with the introduction of the new hydrogen buses to replace the current fleet. Increased bus operatives were required to manage the key objectives set out in the new LTP, however, it was envisaged that increasing staff levels would be challenging, particularly, with the current system being so unreliable. It was acknowledged that the lack of bus operatives was a national problem and the reason employees were leaving the organisation varied. However, collaborative work was being carried out to address the issue and offer staff more competitive work opportunities and benefits to encourage people to join Transport for West Midlands.
- Reference was made by Councillor S Henley to the 612 public responses to the Market Research Online Community Engagement survey. Whilst it was acknowledged that the responses received did not reflect the true representation



of the demographic profile of the West Midlands, responses had been relatively spread across the region and reflected the proportion of car and non-car owners. It had been clear that specific category groups were more difficult to reach, however, wider communication platforms were being identified to ensure greater engagement opportunities.

- Councillor D Stanley referred to the vision for the 15-minute neighbourhood within a 45-minute region and considered the vision to be unachievable, particularly, if people did not live close to bus or rail stations. Concerns in relation to the service being unreliable and the lack of consultation was raised. Significant changes to the transport network and public services timetable had been made in the Dudley area with no consultation with residents and the lack of communication was considered unacceptable. The Principal Policy and Strategy Officer indicated that the aim of the vision was to achieve the objective of reaching one of the three major strategic centres within 45 minutes from the Black Country. Comments raised in relation to reliability, lack of operators and lack of consultation were accepted, and collaborative work was being carried out to explore what influence local authorities and key stakeholders had in terms of policy and governance matters.
- Reference was made to the programmed work associated with the Burnt Tree area of Dudley, as part of the new infrastructure for travel from Dudley to Birmingham. Programmed maintenance work was causing delays due to the number of maintenance projects currently taking place in that area with temporary traffic signals not being synchronised. Consideration and collaborative work were considered essential to ensure disruption to the highway network was minimal during road maintenance/repairs.
- The lack of heavy rail infrastructure within the Dudley Brough was referred to and consideration to improving the rail service was essential to achieving the aims and objectives outlined in the LTP.
- In referring to the issues with the Metro service and the lack of communication when the service was not in use, Councillor D Stanley indicated that improvements were crucial as the service was currently unprofessional and unreliable.
- Whilst it was acknowledged that the West Midlands current transport system was inadequate, Councillor D Stanley indicated that unless Dudley was provided with a fair proportion of the new vehicles at introduction stage and the infrastructure to manage new systems, improvements and public behaviours would not change. It was considered that the smaller transport operators had alternative systems in place to advertise any disruptions to services which was currently making bigger travel operators look unprofessional.
- Whilst acknowledging the negative impact cars had on the environment, Councillor A Davies indicated that the use of private vehicles would not decrease, especially with how poor the current public transport system was, as cars were considered a more convenient mode of transport and complemented

peoples lifestyles. The popularity of cars was evidenced by the fact that only 10% of journeys in the West Midlands were made by public transport. Referring to the serious issue of climate emergency, Members suggested that a more realistic approach would be to focus on improving car emissions, adopting an approach which placed greater emphasis on using existing transport infrastructure better and offering electric vehicles more widely, together with ensuring that the infrastructure and electric charging points were available to sustain demand.

- Reference was made to the vision that by 2041, a 35% reduction in car mileage locally would be achieved. The vision was considered too ambitious, particularly as the national figure had been set at a 10% reduction in mileage. Councillor A Davies queried how the target would be met, particularly as the use of cars and the distances travelled currently were projected to increase. In acknowledging the ambitious trajectory, the Principal Policy and Strategy Officer indicated that the 2041 objective was based on recommendations on decarbonisation. It was recognised that urban areas were expected to deliver more of the overall national trajectory and reduction than rural areas. Whilst there was an expectation that private vehicles would play an important part in the future travel system, the need for a reduction in car usage had been observed, together with the need to tackle inequalities in public transport access. While the shift to electric vehicles was supported, it was acknowledged that the current challenges with congestion on the roads would not be resolved. Encouraging and promoting lifestyle changes would be challenging, however, the aim of the LTP was to deliver a travel system suitable for everyone. In referring to the results of the Market Research Online Community Engagement survey, Councillor A Davies suggested that often people completed surveys, particularly on subjects that they were passionate about, in a more ambitious way, however, some were unwilling to make appropriate sacrifices. Significant improvements to the current transport system were essential to provide people with decent travel options.
- Councillor A Ahmed emphasised the comments made by Members and considered that the current transport system was not cost effective, unreliable with poor connectivity and security. In referring to the successful infrastructure and system operated in European cities, it was queried why similar systems had not been considered for the West Midlands. Congestion had been increasing due to reducing double carriage ways to single carriageways, which was increasing traffic and pollution. The costs involved in creating infrastructure to deliver travel options such as light rail, metro and trams to improve the public travel system was concerning, particularly as unless significant improvements were made, changing people's perception of public transport and moving from private vehicles to public transport would be challenging. The affordability of using public transport was also an issue of concern and consideration was required to ensure that the costs of using public transport appealed to the customer.
- In referring to the areas covered by the LTP, Councillor P Sahota stated that there were four Boroughs within the Plan, all with individual identities and



neighbourhoods and indicated that all areas needed to be considered as part of the Plan in terms of improved connectivity. In responding, the Principal Policy and Strategy Officer referred to The Black Country Area Strategy, which focused on linking neighbourhoods across the Black Country. Members were assured that collaborative working with local authorities was taking place to address the issue of better connectivity.

The Chair thanked the officers from Transport for West Midlands for the presentation provided.

Resolved

- (1) That the progress on development of the West Midlands Local Transport Plan (LTP) and the publication of the West Midlands Transport LTP Core Strategy, be noted.
- (2) That the views of Members on the proposed vision and approach for the new West Midlands LTP and what it means for Dudley, be noted.
- (3) That the approach for developing the Local Transport Plan Big Moves and Area Strategies through to Summer 2022, be noted.

37 **Annual Scrutiny Report 2021/22**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted on the annual scrutiny report for 2021/22.

Following the presentation of the report, Members were invited to suggest items for consideration for the Annual Scrutiny Programme for 2022/23.

In referring to the work carried out by the Scrutiny Committee during the 2021/22 municipal year, the Chair indicated that increased Working Group meetings would be considered for the 2022/23 municipal year, to consider and scrutinise key matters within the remit of the Housing and Community Services and Public Realm Directorates. Projects such as Housing matters and tenant participation, Corporate Quarterly Performance, potholes, road and pavement maintenance would be rolled over to the 2022/23 Scrutiny Programme.

Members expressed appreciation to the Chair and Vice-Chair of the Scrutiny Committee on the manner meetings had been conducted providing Members a fair opportunity to contribute to the meetings.

The Chair suggested that Members send an e-mail to him direct on suggestions for items to be considered as part of the 2022/23 Scrutiny Programme.

Resolved



- (1) That the annual scrutiny report for 2021/22 be noted.
 - (2) That the following items be rolled forward for inclusion in the draft Annual Scrutiny Programme for 2022/23: -
 - Housing matters and tenant participation
 - Corporate Quarterly Performance,
 - Potholes, road and pavement maintenance
 - (3) That Members be requested to e-mail the Chair of the Scrutiny Committee identifying work areas for inclusion in the 2022/23 Annual Scrutiny Programme.
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37 **Corporate Quarterly Performance Report – Quarter 3 (1st October to 31st December, 2021)**

A report of the Chief Executive was submitted on the Quarter 3 Corporate Quarterly Performance report of the financial year 2021/22 covering the period 1st October to 31st December, 2021, specifically referring to services within the Housing and Community Services and Public Realm Directorates.

In presenting the report, the Deputy Chief Executive indicated that a review was currently being carried out on reporting performance within the Housing Service that reflected tenant priorities. The Public Realm Directorate provided key services to Housing Services in respect of green care, waste and recycling and it was essential that the customer satisfaction within the services significantly improved and had a real focus on quality and making sure that the Local Authority adopted a listening approach to tenants.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- In referring to PI2009, satisfaction with repair service, Councillor S Henley queried the increased number of repairs in Quarter 3 for 2021/22 compared to previous performance figures. The Head of Housing Maintenance indicated that issues associated with Covid-19 had impacted on the number of repairs carried out in previous quarters and repairs outlined in the current Quarter 3 included the backlog of repairs that should have been carried out during the pandemic. The number of repairs during lockdown had reduced from around 80,000 per year to approximately 60,000, however, Members were assured that responsive repairs were now back to the figure expected. Improvements to the repairs services had been made and was now operating on an appointment service mutually agreed by relevant parties. Frequent monitoring was carried out in relation to timescales in completing repair/maintenance work to identify any future improvements to the service. Members noted that the repair/maintenance work was now carried out within the Housing Assets and Development service and was undertaken on a more planned approach to managing assets. The Housing Maintenance Service focused on quick response repairs/maintenance.

- Councillor S Henley queried the low level of customer satisfaction reports in relation to repairs/maintenance carried out. In responding, the Head of Housing Maintenance acknowledged that satisfaction surveys carried out previously had been very low, particularly throughout the pandemic. To be compliant with the Regulator on feedback from tenants, call insight officers had been introduced that were dedicated to collecting feedback from tenants following the completion of repair/maintenance work to understand tenants requirements and priorities. Training had been introduced for officers dealing with repair maintenance on booking calls, how to appoint repairs to an appropriate officer, positive language usage and the process in relation to first time fix. Processes had been reviewed in relation to stock available in work vehicles and the code of conduct for operatives when visiting properties and working to the expectations of the Local Authority as landlord. Behaviour would be monitored and addressed in accordance with the requirements of the code.
- Councillor D Stanley expressed disappointment with the current repair/maintenance service. Personal experiences had highlighted faults in the level of service provided and acknowledged improvements were essential. Void properties continued to be an issue, with properties being left empty for long periods of time, which was considered unacceptable given the number of people waiting for a property in the Borough, the impact caused by neglected gardens and the lack of officer responses to queries made by members of the public and Councillors. In responding, the Deputy Chief Executive acknowledged the issues raised and indicated that significant improvements were required to successfully deliver the service, particularly around void properties. New strategies and processes had been introduced in the Housing Service and improvements would be observed during the 2022/23 performance year. The Housing Service was now taking an “every contact matters” approach to customer queries with a single point of access system now in operation. Residents feedback on requirements and priorities were key to improving the services, together with providing support and advice to residents on becoming more self sufficient in terms of preparing boilers in readiness for the winter months, which would reduce the number of calls relating to boiler problems and enable to the Local Authority to focus on the more vulnerable residents.
- In referring to PI2194, gas compliance, Councillor A Ahmed queried the correct figures as it stated in the report that compliance figures were high. In responding, the Deputy Chief Executive indicated that significant focus had been provided to priority areas within the Housing Services, particularly gas compliance. It was important that key performance indicator targets in relation to compliance in general remained high so that tenants felt safe in their homes. The Head of Housing Maintenance indicated that a written response providing accurate Key Performance Indicator figures relating to the percentage of gas compliance would be circulated to Members of the Committee. The importance of gas compliance was emphasised, and it was indicated that throughout the pandemic, accessing tenants homes had proved difficult. Legal processes had been followed in cases where tenants had refused entry to homes, however, it was noted that performance indicators had been maintained throughout the pandemic which had been reflected in target performance figures.

The Interim Head of Neighbourhoods and Communities referred to events currently being planned on compliance in general. There was a requirement on the Local Authority to demonstrate fire safety compliance and the need to listen to tenants, both were key lessons following the Grenfell tragedy. Strategies on improving tenants understanding of compliance was essential and it was proposed that the event would encourage awareness, officers to better understand tenants requirements and the confidence that tenants voices were being heard and issues actioned. It was proposed that an initial visit to tenants in Baylie and Kennedy Courts, together with key housing officers and the fire service would take place prior to the event scheduled on 26th May, 2022, to check property conditions, property compliance, customer concerns and customer feedback. Fire assessments for high-rise flats would also be revised as part of the improvement plan. Members would be invited to attend the event and details would be provided when plans had been finalised. The idea of the event was to improve tenant engagement and to be more honest and transparent with tenants and it was proposed that similar events would be carried out throughout the Borough on compliance should the initial event on 26th May, 2022 be successful. The approach was considered more personalised and would provide greater certainty on how the Housing Services was progressing.

Whilst acknowledging that a different approach was required, Members raised concern in relation to the costs involved with the event, particularly when key performance figures continued to remain high. In responding, the Deputy Chief Executive indicated that were many aspects to compliance and the event was proposed to raise awareness and support tenants to understand options in the event of a fire. The ambition was to improve gas compliance further and reach 100% target and provide tenants with knowledge on the wider area of compliance whilst improving tenant participation engagement. It was acknowledged that the event would be resource intensive, however, the outcome would be beneficial.

- Councillor D Borley referred to an issue associated with a constituent being presented with a notice of eviction and the lack of support provided by the Housing Service. The Deputy Chief Executive requested that details be provided following the meeting, and she would ensure that the matter was actioned, and that Councillor Borley be updated on progress.
- Councillor P Sahota acknowledged the difficulties associated with the services provided by Housing; however, it was expected that improvements were observed moving forward.
- In referring to PI2027, satisfaction – way anti-social behaviour complaints were handled, Councillor R Collins indicated that increased levels of anti-social behaviour were being reported, particularly in the Brockmoor and Pensnett Ward. Residents were being directed to the Anti-Social Behaviour Team with queries that were considered as low-level annoyance. The key performance indicator figures were disappointing; however, it was acknowledged that should complaints regarding low level nuisance be reported to Housing Managers for action in the first instance, figures for that area would improve. In responding, the Interim

Head of Neighbourhoods and Communities acknowledged that some low-level nuisance should not be referred to the Anti-Social Team and should be dealt with by housing officers at patch level. Strategies on how to configure the service, identify priorities, strengthening the neighbourhood model with greater expectations on Housing Managers and salary grading were being considered to allow Managers to manage tenancies more proactively and increase engagement with tenants and Ward Councillors.

An Anti-Social Behaviour Focus Group had been set up, involving tenants, to review anti-social behaviour performance indicators and processes on better engagement with tenants and providing updates on progress with tackling reported anti-social behaviour issues. Members suggested that consideration be provided to inviting Councillors to participate in Anti-Social Behaviour Focus Group meetings.

Members referred to the increased number of complaints received in relation to anti-social behaviour and raised concern with the high level of staff turnover in that area and the processes in place to recruit additional staff. Councillor A Aston queried the reasons telephone lines had been disconnected and cases having to be prioritised in relation to anti-social behaviour during the data period. In responding, the Interim Head of Neighbourhoods and Communities acknowledged the concerns raised. Challenges included the impact associated with the pandemic, staff leaving resulting in pressures within the service and the service having required short term support from Dudley Council Plus to enable officers to deal with casework. Processes had been reviewed and improvements would be reflected in the next quarter of the performance report.

Further issues raised by Members included tenants being passed around several agencies with no action being carried out to issues raised. Councillor A Davies referred to the proactive work carried out in Brierley Hill area by an officer in the Anti-Social Behaviour Team. Officers needed to feel empowered to manage anti-social behaviour issues and encourage enforcement. Whilst it was the perception of residents and Councillors that there had been a lack of police presence in particular wards of the Borough, it was essential that residents/councillors reported crime issues to the police otherwise resources would not be allocated to “hot spot” areas to tackle the issue. In responding, the Interim Head of Neighbourhoods and Communities referred to plans to improve communication. Collaborative working with the police was key to delivering a more improved anti-social behaviour service. The Anti-Social Behaviour Team was considered one of the most important services within the Housing and Community Services because of the impact anti-social behaviour had on residents within the Borough so the need to get the system right was crucial. Front line staff would be provided with training to encourage decisions being made based on professional skills and instinct rather than waiting for approval from senior managers. The new neighbourhood model was aimed to provide tenancy support and managing vulnerability with a more holistic approach.

- Councillor P Sahota referred to comments raised at a previous Scrutiny Committee in relation to the lack of partnership work with key stakeholders at

township level to tackle issues. There was confusion within wards who was responsible for different areas within the service and improvement in relation to collaborative working and communication was considered crucial. In responding, the Deputy Chief Executive acknowledged the comments raised in relation to improved partnership working and would be addressed as part of the Improvement Plan.

- Councillor P Sahota indicated that Public Realm Directorate covered a wide range of services and expressed his concern that only two services were currently incorporated in the key performance indicators and suggested that for the next financial year, other services be considered and incorporated in the performance report. In responding, the Deputy Chief Executive indicated that service plans were currently being investigated and ensured Members that additional services would be considered for inclusion in the 2022/23 financial year key performance indicators.

The Chair thanked the Deputy Chief Executive and Head of Housing for the responses provided.

Resolved

- (1) That the Head of Housing Maintenance be requested to provide Members with a written response providing accurate Key Performance Indicator figures relating to PI2194, percentage of gas compliance.
- (2) That the Interim Head for Neighbourhoods and Communities be requested to send an invitation to all Members of the Committee to attend an engagement event at Baylie and Kennedy Courts in relation to compliance in general.
- (3) That additional Key Performance Indicators be considered for services within the Public Realm Directorate for the 2022/23 financial year and included in the Corporate Quarterly Performance Reports.

The meeting ended at 8.20pm.

CHAIR

**Minutes of the Housing and Public Realm
Scrutiny Committee
Thursday 9th June, 2022 at 6.00 pm
In Committee Room 2, Council House, Dudley**

Present:

Councillor M Westwood (Chair)
Councillor W Sullivan (Vice-Chair)
Councillors A Aston, M Aston, H Bills, K Casey, J Clinton, R Collins, J Cowell, S Henley,
I Kettle, D Stanley and T Westwood

Officers:

B Heran – Deputy Chief Executive, A Vaughan – Interim Director of Public Realm, N McGurk
– Head of Traffic, Transportation and Engineering Services (Directorate of Public Realm),
K Jones – Director of Housing and Communities and K Griffiths – Democratic Services Officer
(Directorate of Finance and Legal).

Also in attendance

Councillor S Saleem – Cabinet Member for Highways and Public Realm

Together with one member of the public

1 **Chair's Comments**

The Chair welcomed everyone to the meeting of the Housing and Public Realm
Scrutiny Committee, in particular the new Members elected on 5th May, 2022

2 **Apologies for absence**

Apologies for absence were submitted on behalf of Councillors K Lewis and P Sahota.

3 **Appointment of Substitute Members**

It was reported that Councillors S Henley and H Bills had been appointed as substitute Members for Councillors K Lewis and P Sahota respectively, for this meeting of the Committee only.

4 **Declarations of Interests**

Councillors J Clinton and J Cowell declared non-pecuniary interests in relation to Agenda Item No. 7 (Corporate Quarterly Performance Report – Quarter 4 (1st January to 31st March, 2022)) and Agenda Item No. 8 (Overview of Public Realm) as Council tenants.

5 **Minutes**

Councillor D Stanley referred to the lack of information provided from officers in relation to Performance Indicator (PI) 2194 percentage of gas compliance. At the meeting held on 30th March, 2022, the Head of Housing Management undertook to provide accurate Key Performance Figures on gas compliance, however, the information was still outstanding.

Councillor D Stanley indicated that despite assurances from the Interim Head for Neighbourhoods and Communities, information in relation to the engagement event at Baylie and Kennedy Courts had not been circulated. The Deputy Chief Executive indicated that delays had been experienced due to staff sickness levels and gave assurances that the outstanding information would be provided to Members within ten working days.

Resolved

- (1) That the minutes of the meeting held on 19th June, 2022 be confirmed as a correct record and signed.
- (2) That the Head of Housing Maintenance be requested to provide Members with a written response providing accurate Key Performance Indicator figures relating to PI 2194, percentage of gas compliance.
- (3) That the Interim Head for Neighbourhood and Communities be requested to send information to all Members of the Committee on the engagement event at Baylie and Kennedy Courts in relation to compliance in general.

6 **Public Forum**

In referring to the petition handed to the previous Chair of the Committee on 30th March, 2022 in relation to concerns raised regarding the alleged plans to build a high



concrete viaduct on the canal embankment to allow the Dudley tram to travel to and from Merry Hill, the restoration of the canal at Leasowes Park and the poor cycle-walkway from Pensnett Local Nature Reserve to Himley, a member of the public expressed sincere gratitude to the Members that signed the petition. However, following the submission of the petition to the Mayor of the West Midlands Combined Authority, he raised disappointment at the lack of a response received and suggested that appropriate officers pursue the issue to ensure a response was received.

The same member of the public indicated that, although some Members indicated that public transport was considered unreliable as outlined in the minutes of 30th March, 2022, he did not agree with the comments made. He urged that measures be put in place to improve the current transport systems and change peoples' perception of public transport. Adverse comments were made in relation to the number of abandoned railway lines which had contributed to the current issues associated with public transport. The Committee was urged to instruct officers to contact Travel for West Midlands and request them to reconsider proposals to keep the tram on the railway line that was being used for trams rather than build a concrete viaduct on the canal embankment at Merry Hill.

7 **Annual Scrutiny Programme 2022/23**

At a Working Group meeting held on 26th May, 2022, it was agreed that the Deputy Chief Executive, together with key Directors and Officers, review the items proposed for the Scrutiny Programme 2022/23, as set out in the presentation provided at the Working Group, taking into consideration priorities and investments involved and that a programme be presented to the Scrutiny Committee on 9th June, 2022 for further discussion and approval.

The Deputy Chief Executive indicated that a draft scrutiny programme had not been finalised and would not be presented at the meeting. A presentation on the Overview of Public Realm would be provided at this meeting and it was expected that key items would be highlighted from the presentation and included in the Scrutiny Programme for 2022/23 with an expectation that a presentation from Housing and Communities would be presented to the next meeting of the Committee. The Chair raised disappointment that a Scrutiny Programme would not be agreed at this meeting. The Deputy Chief Executive expressed apologies and undertook to present a draft plan to the Chair by 13th June, 2022. A meeting of the Housing and Public Realm Scrutiny Committee would be arranged within the next two weeks to ensure that a Programme for 2022/23 was agreed without further delay.

Resolved

- (1) That Democratic Services Officer, in consultation with the Chair and Vice-Chair, arrange a meeting of this Committee within the next two weeks to discuss and agree a Scrutiny Programme for 2022/23.

8 **Corporate Quarterly Performance Report – Quarter 4 (1st January to 31st March, 2022)**

A report of the Chief Executive was submitted on the Quarter 4 Corporate Quarterly Performance report of the financial year 2021/22 covering the period 1st January to 31st March, 2022, specifically referring to services within the Housing and Communities and Public Realm Directorates.

The Deputy Chief Executive indicated that the report provided progress against the delivery of the Council Plan Priorities and Directorate Service Plans. Performance Indicators and targets were used to measure performance and were monitored regularly and reported on a quarterly basis. There had been eight quarterly measures reported for the 2021/22 financial year, including performance indicators for the Directorate of Public Realm's waste service, which were reported quarterly in arrears in line with Department for Environment, Food and Rural Affairs (DEFRA) reporting requirements. The outturn for the collective eight quarterly measures highlighted that four were on or exceeding target, two were on target and two were below target. Areas of concern were being monitored closely within the Directorates of Housing and Communities and Public Realm to identify improvements. It was envisaged that a more neighbourhood and tenant focused approach was required for Housing and Communities and for Public Realm to identify and develop a more efficient programme to deliver services moving forward.

In referring to PI 2027 – Satisfaction on how anti-social behaviour complaints were handled, it was reported that the current outturn was 62.8% against the target of 85%. The performance figure had reduced slightly since quarter 3 due to staff vacancies in the Anti-Social Behaviour Team. Measures had been put in place to address staff vacancies and progress in the area had been observed. Officers had confidence that performance targets would improve moving forward. Following a review, it had been highlighted that a number of anti-social behaviour complaints raised had not been in the remit of the Anti-Social Behaviour Team and could have been dealt with by Housing Managers. However, with improved resources in Housing Management, there were now clear reporting lines on how complaints were dealt with. Members would be provided with progress throughout the year on services provided by the Directorate of Housing and Communities.

In terms of PI 1899 – Rent loss, it was reported that the outturn was 1.82% against the target of 1.70%, primarily due to an increase in void properties. A 'deep dive' review on void properties was essential in improving the service and would be included in the Scrutiny Programme for 2022/23 to provide Members with an insight into the strategy, reasons for void properties and future plans.

The outcomes of the Government consultation concerning the Resources and Waste Strategy for England were still pending. Collaborative work was currently being undertaken with Firth Resource Management to set up baseline models, benchmarking and waste projections that would inform the Council's future Waste Strategy and improve the services offered to tenants. Since the additional £1m funding had been allocated to the highways budget, the programme of highway work

had been progressing well. Members would be updated on progress throughout the municipal year.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- In responding to questions from Members, the Deputy Chief Executive outlined the changes in the senior management structure of the Anti-Social Behaviour Team, which targeted and reflected specific expert services provided by the Team. Improved services within neighbourhoods and tenant participation were considered essential and resources to target those key areas were identified. Reference was also made to the wider management restructure of services provided by the Directorate of Housing and Communities, outlining progress made within those areas. Members were advised that the vacancy for Head of Housing Strategy had now been filled, which would focus on issues associated with travellers, strategy, homelessness and asylum seekers. Members were assured that a complete senior management/officer structure was now in place, together with the Director of Housing and Communities that fully understood the neighbourhoods and tenant participation agenda and were committed to delivering the high standard of services expected by Members and residents of the Dudley Borough.

In responding to the question from the Chair of the Committee in relation to the proposed plans for the Anti-Social Behaviour Team, the Deputy Chief Executive indicated that the priority for quarter 3 in terms of performance was to stabilise the staffing structure of the Team. Key priorities were referred to including the development of a programme for increased enforcement action in neighbourhoods, increased officer visibility and interaction with residents, educating communities in terms of the impact of anti-social behaviour with a view to improving relationships with residents.

An Improvement Plan for Housing had been developed, incorporating Members' and tenants' perspectives on the level of services the Local Authority should be providing. Progress on developments within the Improvement Plan would be presented to the Housing and Public Realm Scrutiny Committee Working Group in the near future.

- Members referred to PI 1899 - Rent loss, percentage of potential rent receipts lost and expressed concern in relation to the large number of void properties within the Borough and the significant loss of capital in relation to the voids and queried whether a breakdown of figures could be provided. The Deputy Chief Executive acknowledged the concern raised and indicated that a review was currently taking place with a view to developing a strategy on void properties to ensure a more efficient and effective service delivery. Members were advised on challenges associated with void properties, the investment involved in bringing a property back into use, processes followed to review what properties could be reused, sold or demolished and reinvestment to provide more suitable properties for families. It was envisaged that proposals in relation to void properties would be featured as part of the Scrutiny Programme for 2022/23 to provide Members
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with the opportunity to scrutinise plans and strategies for reducing the number of void properties and reducing the turnaround of void properties. It was essential that where properties were not suitable for reuse, a more transparent process needed to be put in place to ensure Members were aware of the reasons for those decisions.

The Director of Housing and Communities indicated that there would be a two-stage review process to look at strategic and reactive voids which contributed to void loss. Around 40% of void properties were considered strategic voids with 60% reactive voids and consideration was essential concerning strategic decision making and the framework around the disposal of properties, together with an end-to-end review of the housing allocation process, where tenants provided notice to end a tenancy to when a property was reallocated. Feedback would be provided in reports to future meetings of the Committee.

- Councillor D Stanley referred to the continued issues associated with void properties and despite the matter being raised on numerous occasions, action had not been taken in relation to a property that had been void for fourteen months in Sedgley causing significant financial losses to Local Authority and which was considered unacceptable given the number of people waiting for a property in the Borough. Adverse comments had been received from residents in relation to the processes relating to void properties and the lack of communication from officers in relation to plans for void properties. It was considered that the revenue loss associated with void properties was unnecessary and could be used for alternative initiatives. The Deputy Chief Executive and the Director of Housing and Communities acknowledged the comments raised and a comprehensive response would be provided to Councillor D Stanley.
 - In referring to PI 2027 – Satisfaction with the way anti-social behaviour complaints were handled, Councillor A Aston queried processes involved, what processes could be improved and the comparison of processes with other Local Authorities. The Director of Housing and Communities indicated that services had improved, which would be incorporated in the Quarter 1 of the 2022/23 performance report in relation to customer satisfaction and anti-social behaviour. Various external factors had impacted on performance levels particularly issues associated with the pandemic and the lack of face-to-face interaction with complainants and alleged perpetrators. Fundamental changes were required when dealing with low level nuisance and neighbour disputes to ensure issues were dealt with more proactively by Community Housing Officers to prevent dissatisfaction.
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Delays had been experienced with Courts considering cases dealing with anti-social behaviour with frequent adjournments taking place for various reasons which would not necessarily have occurred prior to the pandemic. Whilst the Local Authority remained the landlord of residents occupying Council houses, dealing with breaches in tenancy conditions and legal action required was determined by the legal processes of the Court. Focusing on low level nuisance was key to restoring the services expected by residents and the new Housing

Model would ensure that Members, customer and tenant participation was observed moving forward.

- Councillor J Cowell referred to correspondence residents had received during Quarter 3 of the quarterly corporate performance targets, indicating that the Anti-Social Behaviour team had ceased to function due to staff shortages resulting in cases classified as low level being closed without notifying residents. It was noted that the service had since been resumed, however, it was queried why the challenges associated with the team had not been highlighted in the report, the timescale involved in the operation being resumed and whether any cases had been overlooked. The Deputy Chief Executive indicated that delays had been experienced as a result of staff vacancies and the restructure review had taken place. However, Members were assured that the matter had now been addressed and the back log of cases was being actioned. The Deputy Chief Executive indicated that all cases received during that period were being actioned, however, she undertook to investigate the matter, together with the Director of Housing and Communities and respond to Members of the Committee.
- Councillor K Casey indicated the importance of discussing matters relating to proposals to minimise the impact on the environment in terms of fleet management, maximise the use of the incinerator at Lister Road Depot and how it could be used more effectively and proposals for electric vehicles. It was suggested that the Annual Scrutiny Programme 2022/23 incorporate those issues. The Interim Director of Public Realm indicated that the climate emergency was a national priority and the creation of a new Cabinet Member portfolio illustrated that issues associated with climate change was a priority for Dudley. In terms of fleet, the matter would be discussed in more detail during the presentation on the Overview of Public Realm, however, it was considered a key focus area requiring further scrutiny.
- In referring to PI 1498 – percentage of household waste sent for reuse, recycling and composting and PI 41499 - percentage of municipal waste land filled, Councillor K Casey queried what measures had been considered to tackle the current short term downward trend. Reference was also made by Members to the low target figure of 36% for PI 1498 compared to other Councils across the Country, providing statistical information and strategies to increase the target in line with other Authorities. In responding, the Interim Director of Public Realm indicated that the Local Authority was not a high landfilling authority, with the majority of bottom ash created from the incinerator being diverted to landfill, approximately twice yearly. In terms of recycling, alternative opportunities and options would be explored as part of the review of the waste strategy. In acknowledging the comments made in relation to recycling, the Deputy Chief Executive indicated that recycling options would be pursued to maximise opportunities and improve performance in line with other Authorities and emphasised the importance of the role of Members in terms of challenging proposals to maximise service delivery.

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- Councillor D Stanley indicated that whilst figures for recycling were considered low and required improvement, reference was made to the significant disadvantages of co-mingle recycling, the increased risk of contamination and the cost incurred. Officers were urged not to consider the model of co-mingle recycling. Members considered that when comparison data was collated against other Local Authorities, co-mingling recycling was not taken into consideration. Whilst acknowledging the Council was not a high landfilling Authority, it was suggested that materials used across the Authority that were unable to be recycled should be included in figures reported for landfill. The Interim Director of Public Realm indicated that there were benefits and disadvantages with all collection systems, however, options considered to improve collection services would be assessed in line with criteria, including carbon footprint and financial issues. The Interim Director of Public Realm confirmed that the waste disposal contract was worth £7.5m per year.
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- In responding to a question from Councillor J Cowell in relation to the outcome of the ARK Consultation, the Deputy Chief Executive confirmed that the consultation had been completed and feedback had been presented to the Housing and Public Realm Scrutiny Committee Working Group in March, 2022. This formed the basis of the Improvement Plan, taking into consideration Member and tenant feedback. Progress would be reported to the Working Group and further information would be provided to Councillor J Cowell on the background to the consultation.
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- Councillor I Kettle referred to the stock investment decision for forty-six properties creating a £143,669.27 in rent loss and queried the processes involved when a property became vacant, the number of inspectors employed by the Authority and the timescale involved in decisions being made. The Deputy Chief Executive indicated that information would be submitted to Members of the Committee and be considered as part of the view around void properties.
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- Councillor T Westwood queried rent loss in relation to sheltered housing waiting for demolition as it was understood that residents were being moved to Joe Jones Court while Jack Newall Court was being refurbished with a view to residents moving back to Jack Newall Court following completion of refurbishment work. Councillor A Aston indicated that the completion date for the refurbishment of Jack Newall Court had been delayed and would now be completed by March 2023. The Deputy Chief Executive indicated that delays had been experienced in vacating properties, however, a detailed response would be provided to Members of the Committee.
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Resolved

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- (1) That the Quarter 4 Corporate Quarterly Performance report covering the period 1st January to 31st March, 2022, be noted.

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- (2) That the Corporate Performance Manager be requested to refer the specific issues raised by the Committee, as summarised above, to the relevant Officers or Cabinet Members for appropriate responses.
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- (3) That the Deputy Chief Executive and the Director of Housing and Communities be requested to provide a comprehensive response to Councillor D Stanley in relation to the void property located in Sedgley.
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- (4) That the Deputy Chief Executive, together with the Director of Housing and Communities, investigate the progress of anti-social behaviour complaints received and particularly, any cases not progressed and respond to Members of the Committee.
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- (5) That the Director of Housing and Communities be requested to provide a detailed breakdown of figures in relation to strategic investments and the overall percentage of rent loss through voids to all Members of the Committee.
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- (6) That the Deputy Chief Executive be requested to provide background information on the ARK Consultant report to Councillor J Cowell.
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- (7) That the Director of Housing and Communities be requested to circulate information on stock investment decisions, the number of Inspectors employed, and the timescales involved in making decision to all Members of the Committee.
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- (8) That the Head of Housing Options and Support be requested to provide a written response to Members of the Committee outlining details of the challenges faced and delays associated with the refurbishment of Jack Newell Court.
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9 **Overview of Public Realm**

Members received a presentation from the Interim Director of Public Realm providing an overview of the services of the Directorate of Public Realm.

During the presentation, the Interim Director of Public Realm referred to the different teams within the Directorate, the services provided, statistical information, services within the remit of the Housing and Public Realm Scrutiny Committee and specific areas Members may wish to explore during the 2022/23 municipal year. There were approximately 610 members of staff based at Lister Road, Blowers Green and Narrowboat Way depots, plus a number of satellite depots Brough-wide, operating on a £55m budget.

In referring to the current way in which the Directorate was working and future working arrangements, the service had embarked on new and revised approach to service planning, setting out the five-year objectives for each service and a focus on the delivery of the objectives, together with looking at the financial outlook and residents' experiences and expectations. Strategic challenges associated with transport, fleet,

people and new way of working were referred to and suggestions in terms of focus areas for the Committee to scrutinise moving forward, including facilitating arrangements for expert practitioners to attend future Scrutiny Committees.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided, where necessary, as follows:-

- Councillor D Stanley referred to Council's aging vehicle fleet that was currently in operation, the procurement involved in obtaining vehicles and the costs involved and queried the Council's programme on replacing the current fleet and the efficiencies associated with the change. In responding, the Interim Director of Public Realm indicated that Dudley was in a position where options could be considered to maximise the efficiency of the Council's fleet moving forward. The current fleet was not adequate for service delivery as the cost of repairing/replacing vehicles was increasing. Whilst it was accepted that a more carbon beneficial fleet would be favourable, several specific issues would need to be considered as part of the review process, including infrastructure, supply chain, lead in times, funding differences between diesel and alternative fuel vehicles and the business case.
 - Councillor D Stanley raised concern in relation to the lack of infrastructure available to support the charging of electric vehicles. The lack of parking spaces for properties was an increasing area of concern and with the number of electric vehicles being purchased, adequate charging points were essential to avoid cables being placed across public pavements whilst charging vehicles. It was considered essential that strategies were developed immediately in preparation for the increased number of electric vehicles being purchased. The Interim Director of Public Realm acknowledged that adequate infrastructure would present significant challenges due to the increasing number of vehicles using the highway network and the increased number of vehicles per household. Consideration would include efficiencies to support climate emergency and sustainable travel options which would be incorporated in the Transport Plan. Assurances were given that consideration would be given to strategies to support the increasing demand for electric vehicles and provide adequate infrastructure moving forward.
 - In response to a query raised by Councillor J Cowell on the challenges associated with the provision of charging points for electric vehicles especially around social housing and properties occupying disabled and elderly residents, the Interim Director of Public Realm indicated that options and practicalities would be explored in detail as part of the review process.
 - Councillor H Bills referred to the highways maintenance programme and the lack of communication between utility companies and the Local Authority in terms of programmed work. Councillor I Kettle referred to the document provided to Members on programmed maintenance/repair work in the Borough and queried whether the information was available online for members of the public to view. The Interim Director of Public Realm indicated that whilst improvements within the service were essential, unprogrammed work/maintenance was inevitable due to
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emergency work taking place. In terms of utility companies not completing work within a specified timeframe, although it was a common issue across the Country, it was considered that the use of the Local Authority's enforcement powers could be used more effectively as it was considered that a lack of communication devalued and undermined the investment decisions made to improve the highway network in the Borough.

The Cabinet Member for Highways and Public Realm indicated that improved communication on programmed repair/maintenance work was currently being examined and would be reported back to the Committee in future reports.

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- Councillor D Stanley referred to the frequent number of reports of fly tipping in Cotwell End Road, Sedgley and depending on the location, whether on the public highway or greenspace, two different services were deployed to clear the reported area. This was considered a waste of resources. The Interim Director of Public Realm acknowledged the concern and indicated that a more neighbourhood-based view approach was required and would be considered as part of the review.

The Chair thanked the Interim Director of Public Realm for the presentation and responses provided.

Resolved

That, subject to the detailed comments set out above, the information contained in the report and the presentation be noted.

The meeting ended at 7.40pm.

CHAIR

**Minutes of the Appeals Committee
Wednesday, 6th April 2022 at 10.00 am
In Committee Room 3 at the Council House, Dudley**

Present:

Councillor T Westwood (Chair)
Councillor S Mughal (Vice-Chair)
Councillor S Greenaway

Officers:

D Corbett – Senior Transport Officer (Directorate of Children’s Services) and K Buckle, Democratic Services Officer (Directorate of Finance and Legal).

95. **Minutes**

That the minutes of the meetings held on 9th and 16th February and 2nd March 2022 be approved and signed as correct records.

96 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members’ Code of Conduct.

97 **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

98 **Home to School and Post 16 Home to School/College Transport Appeal – ZS**

A report of the Director of Children’s Services was submitted on an appeal relating

to home to school transport.

Resolved

- (1) That, following careful consideration of representations made by all parties, the Committee determined that the appeal for ZS be refused for the reasons set out in the report submitted.
- (2) That the parties be informed of the decision of the Committee in writing within five working days.

99 **Home to School and Post 16 Home to School/College Transport Appeal – JD**

A report of the Director of Children’s Services was submitted on an appeal relating to home to school transport.

Resolved

- (1) That, following careful consideration of the information outlined in the report submitted and as presented at the meeting, subject to the provision of additional evidence to support JD’s medical conditions, the appeal for JD be upheld, and home to school transport be provided for the 2022/23 academic year.
- (2) That the parties be informed of the decision of the Committee in writing within five working days.

100 **Home to School and Post 16 Home to School/College Transport Appeal – ZM**

A report of the Director of Children’s Services was submitted on an appeal relating to home to school transport.

Resolved

- (1) That following careful consideration of the information outlined in the report submitted and as presented at the meeting the appeal for ZM be upheld and travel support allowance at the rate of £5.94 be provided per day during term time for the 2022/23 academic year or until the successful grant of a bursary from the Old Park School, whichever is the sooner.
- (2) That the parties be informed of the decision of the Committee in writing within five working days.

The meeting ended at 12pm

CHAIR



AC/42

**Minutes of the Appeals Committee
Wednesday, 27th April 2022 at 10.00 am
In Committee Room 1 at the Council House, Dudley**

Present:

Councillor T Westwood (Chair)
Councillor S Greenaway and S Henley

Officers:

D Corbett – Senior Transport Officer (Directorate of Children’s Services) and K Griffiths – Democratic Services Officer (Directorate of Finance and Legal).

101 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members’ Code of Conduct.

102 **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined in Part I of Schedule 12A to the Local Government Act, 1972, as amended.

103 **Home to School and Post 16 Home to School/College Transport Appeal – KL**

A report of the Director of Children’s Services was submitted on an appeal relating to home to school transport.

Resolved

- (1) That following careful consideration of the information outlined in the report submitted, and as presented at the meeting, subject to the receipt of additional information, the appeal for KL be upheld and travel support be provided up to the end of the 2022/23 academic year and subject to a review thereafter.
- (2) That the parties be informed of the decision of the Committee in writing within five working days.

The meeting ended at 11.30am

CHAIR



AC/44

**Minutes of the Appointments Committee
Monday, 21st March, 2022 at 9.30 am
In Committee Room 3 at the Council House, Dudley**

Present:

Councillor P Harley (Chair)
Councillors A Aston, N Barlow, J Cowell, J Foster, S Keasey, I Kettle, K Shakespeare and L Taylor-Childs

Officers:

K O'Keefe (Chief Executive), B Heran (Deputy Chief Executive) and J Branch (Head of Human Resources and Organisational Development)

1 **Apologies for Absence**

Apologies for absence were received on behalf of Councillors S Phipps and Q Zada.

2 **Appointment of Substitute Members**

It was reported that Councillors N Barlow and J Cowell had been appointed to serve as substitute members for Councillors S Phipps and Q Zada, respectively, for this meeting of the Committee only.

3 **Declarations of Interest**

Councillor J Cowell declared a non-pecuniary interest as a Council tenant of Dudley MBC.

4 **Minutes**

Resolved

That the minutes of the meetings held on 11th November, 2020 and 10th December, 2020 be approved as a correct record and signed.

5 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information relating to any individual(s) as defined under Part I of Schedule 12A to the Local Government Act 1972.

6 Post of Director of Housing and Communities

The Committee interviewed candidates for the post of Director of Housing and Communities.

Resolved that the Council be recommended:

That, subject to the necessary pre-employment checks, Kathy Jones be appointed to the post of Director of Housing and Communities, in accordance with the salary and terms and conditions of employment applicable to the post, with effect from a date to be agreed.

The meeting ended at 2.18pm

CHAIR



APP/2

**Minutes of the Audit and Standards Committee
Thursday 14th April, 2022 at 6.00pm
in Committee Room 3, the Council House, Dudley**

Present:

Councillor A Taylor (Chair)
Councillors S Ali, P Atkins, D Borley, J Cowell, P Dobb, M Evans and B Gentle

Officers:

I Newman (Director of Finance and Legal), G Harrison (Head of Audit Services), and L Jury (Democratic Services Officer).

Also in attendance on MS Teams:

M Stocks and T Tobin – Grant Thornton External Auditors – for agenda item no. 5 only
L Fulci (Director of Digital, Customer and Commercial Services) and G Aulakh (Head of Technology Systems and Services) – for agenda item no. 7 only
Martin Grainger – Corporate Fraud Manager – for agenda item no. 13 only.

37 **Apology for Absence**

An apology for absence was submitted on behalf of Councillor J Roberts.

38 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Member's Code of Conduct.

39 **Minutes**

Resolved

That the minutes of the meeting held on, 7th February, 2022 be approved as a correct record and signed.

40 **Change in order of business**

Pursuant to Council Procedure Rule 13(c), it was

Resolved

That the order of business be varied and that the agenda items be considered in the order set out in the minutes below.

41 **Risk Management**

A report of the Director of Finance and Legal was submitted updating Members on the current risks that had been reported to Strategic Executive Board (SEB) and the status allocated by the Risk Owner. Appendix A to the report, outlined full details of risks reported to SEB, and in addition to risks tabled in Appendix A, the Committee were requested to identify any additional risks that it considered should be included on the SEB risk report and identify any particular risk for closer scrutiny at the next time a risk report was scheduled. An update was also submitted on the identification of Council risks and the embedding of the Risk Management Framework.

The Head of Audit Services presented the report, and in doing so, referred to an advisory note that had been recently issued by CIPFA entitled “Understanding the Challenges to the Local Authority Governance” which had considered some of the failures in governance, identified through Value for Money (VFM) and Inspection Reports. It was noted that one of the key findings related to the absence of an effective Risk Management Framework. The Head of Audit Services stated that the work that was being undertaken on risk management was to ensure processes were effective.

The new framework approved in April 2021, introduced some significant changes to how the Council identified and managed its risks and would continue to be reviewed as changes may be required going forward. The Head of Audit Services advised of the proposed change to the High threshold so that it covered risks between 10 to 15 rather than 10 to 14. Therefore, extreme risks would now start at 16 and the Council’s risk appetite would also increase to 16, and it was noted that this was the first report presented to the Committee where risks had been identified and recorded in accordance with the new framework.

Reference was made to paragraph 6 of the report which detailed the work that had been undertaken to date. It was noted that more work was needed to be undertaken on Directorate Risk Registers, but it was anticipated that all Directorates would have risks on SPECTRUM by the end of April 2022 and the first update to risks would be provided in May/June 2022. It was acknowledged that the Council was still in the early stages of embedding the Risk Management Framework and improving the understanding of an effective risk management system and areas of further work to be undertaken during 2022/2023 were set out in paragraph 10.



Reference was made to the current risks which were listed in the table in paragraph 14 of the report and Appendix A. Appendix A also provided the full risk definition and details of controls in place and effective, controls that were currently being progressed and noting that the risk owner had determined the risk ratings. It was reported that once the Directorate Risk Register had been completed and entered onto SPECTRUM, all net risks, rated as 16 and above, would be included in the SEB risk report.

Risks had been coloured coded in the report:

- Red (between 16 and 25),
- Orange (High risks between 10 and 15),
- Yellow (Medium risks between 6 and 9)
- Green (Low risks were between 1 and 5).

For clarification, the Head of Audit Services advised that gross risk was the level of risk before applying any controls, net risk was the level of risk after applying controls, however controls must be effective. Target risk was the level of risk the Council wished to achieve once all identified controls had been implemented.

It was noted that there were 17 risks where the gross risk had been rated as extreme and 4 risks where the net risk had been rated as extreme, and all risks at the target level had been rated below extreme. It was the intention going forward to achieve the target risk rating which would require the implementation of additional controls. Reference was made to the graph at paragraph 15 which detailed a comparison of net and target risks.

The Committee were required to select a risk for discussion at its next meeting where risk management was considered and the table at paragraph 14 detailed the date the risk had last been reviewed by the Committee. It was noted that there were a number of risks that had not been previously reviewed by the Committee.

In conclusion, the Head of Audit Services stated that the Committee at a previous meeting, had selected Cyber Security to be scrutinised. The Director of Digital, Customer and Commercial Services and the Head of Technology Systems and Services were in attendance via MS Teams to present on the risk to the Committee.

In presenting this item, the Head of Technology Systems and Services referred to the risk of Cyber threat as a constant, ever-changing risk and reference was made to the emergence of the conflict in Eastern Europe between Ukraine and Russia, which had led to heightened tensions which placed Government systems at an increased risk of cyber-attacks.

The Head of Technology Systems and Services presented a summary of the risk which included:

Top Four Key Cyber Security Risks: (from the Industrial Standards):



Ransomware: when an attacker compromised data and encrypted files and usually demanded a money ransom. Reference was made to the 2017 NHS ransomware attack that compromised several Trusts and General Practitioner surgeries

Phishing: where a scamster would make out that an email was from a supposedly legitimate organisation to trick a person into divulging sensitive information. It was advised that this was the most common attack – 80% of security incidents were phishing attacks.

Credential Snuffing: using a data leak scenario, people obtained access to usernames and passwords, and tried different web sites with guestimates and compromised data.

Distributed Denial of Service (DDoS): more of a technical nature - mainly used as a weapon to create reputational damage to organisations by attacking front end services such as, websites and key critical service portals by overloading them with requests so the services collapsed.

How we protect the Council from Cyber Risks: included monitoring the current threat feeds and notifications, assessing the threat to the Council and implementing mitigations as required.

Digital and Technical Services were the key players, however other Council partners such as: Procurement, Information and Governance (helped to identify gaps and helped deliver mitigations providing best practice within their specific areas), Audit Services (helped by undertaking audit assessments that identified gaps/best practices missing to enable them to be implemented), Council staff (helped by keeping passwords strong and reporting any suspicious/phishing emails which were investigated), External partners (strategic partners such as Microsoft, NHS, etc and suppliers who helped by informing us if their systems had been compromised).

Protecting the Council from Cyber Risks: once a threat had been identified, it was then classified into the following focus areas: Identify and access management, Information protection, Threat protection, Compliance and Governance

In relation to identify and access management and information protection, it was acknowledged that further work was required due to the constant, ever-changing threats. Recent investments in Microsoft products had been undertaken and future investments would be undertaken as necessary to increase protection. Work was also being undertaken with the Data Protection and Information Governance Manager to classify data.

In the Technology and Digital restructure, it was noted new posts had been introduced to ensure that governance was adhered to namely, a Cyber Security Architect, a Senior Cyber Security Architect, and a Governance Policy Procedure Manager.

Technical Controls in Place: three multi-layers of defence: External included DDoS Protection, Perimeter including Mobile data management and Server Firewalls and Internal included: Bitlocker Encrypted backup solution.



How we know it's working:

People – including undertaking Cyber awareness modules (refreshed every two years Cyber awareness and Information Protection - working with Managers to increase staff completion of modules), Phishing campaigns (recently ran a campaign to provide support and awareness to Members), stronger passwords.

Process – including Audits, Cyber essentials - Council subject to quarterly and annual compliance audits (carried out by Cyber essentials) an accreditation that ensured that the Council had the standards/procedures in place in line with guidance from cyber security agencies), Technical design authority and Disaster Recovery – keeping data off site to allow vital data to be taken to other sites to reduce time and disruption.

Technology – including Firewall/Audit logs, Multi-factor Authentication and Conditional Access reports (directly linked to Information Protection and Access and Identity Management Improvements.

It was noted that the Security Programme of Work would be presented to the Committee at a future meeting which would showcase how these were utilised and when they would be implemented. Assurance was given to Members that the products/systems/processes currently in place were working, and on implementation of the above systems, the Council would be more robust, however acknowledging the occurrence of new emerging threats.

Future Steps: to keep the Borough safe from Cyber attacks and maintain a leading edge in Cyber Security

- Digital and Technology were in the process of developing a security pipeline for implementing **Protect, Detect and Respond** measures that would require cross service support.
- Cybersecurity was one of the topmost priorities at the Council and was monitored rigorously through the strategic risk register. Cyber threat was constantly changing however Members could be assured that the Council's plans were robust and up-to-date and were continually improved.

Arising from the presentation, Councillor D Borley raised a question in relation to training for Council employees, and in response, the Head of Technology Systems and Services advised on the training available to staff, acknowledging that there was always room for improvement, such as improving the learning platform to become more intuitive. It was noted that completion rates were monitored to assess whether reminders needed to be issued to staff to complete the training.



In response to a question raised by Councillor B Gentle in relation to the services involvement when new systems were being implemented in the Council, the Head of Technology Systems and Services advised that as part of the new Cyber Security Team, a Technical Design Authority procedure had been implemented, which would ensure that any new system procured would adhere to certain standards. The service/Directorate would be contacted to ascertain how it complied with the required security standards. The Director of Digital, Customer and Commercial Services advised that this was now being implemented as part of the new structure which would see a new team dedicated to cyber security and architecture. A new person had recently been appointed and governance arrangements and rules of working were currently being produced.

In response to a question raised by Councillor B Gentle, in relation to home working and the potential for increased threats to security, the Head of Technology Services and Systems advised that the Council had invested in a license from Microsoft that was currently being tested and would be implemented across the Authority, that would allow staff to work from various locations and would provide sufficient security measures, and would ensure that the person accessing the equipment was the authorised user. It was noted that all Council devices had been encrypted, which would protect the data if the equipment was lost or stolen.

In response to a question raised by Councillor M Evans, in relation to new emerging threats, the Head of Technology Services and Systems advised that he was confident with the level of protection provided as a result of recent investments in Microsoft and assurance was given to Members that should further threats become apparent, the service would be requesting more support to leverage on those features to keep the Borough safe. The Director of Digital, Customer and Commercial Services stressed the importance of collaborating with partners across the system to ensure that the Council would be immediately informed of any emerging threats in partner organisations.

Resolved

- (1) That the information contained in the report and Appendix A to the report submitted detailing the SEB risks, be noted.
- (2) That changes to the Risk Management Framework, as set out in the report, be approved.
- (3) That the information contained in the presentation on risk R.366 relating to Cyber Security and comments made by Members as outlined above, be noted.
- (4) That risk R.242 relating to Recruitment and Retention be identified as the specific risk for in-depth scrutiny the next time a risk report was referred to the Committee for consideration.



42 **External Auditors (Grant Thornton) Annual Audit Plan 2021/2022 and Annual Risk Assessment 2021/2022**

The Committee received a report of the Director of Finance and Legal on the External Auditor's Audit Plan for 2021-2022 and Risk Assessment for 2021-2022 for the annual audit.

M Stocks (Grant Thornton) presented the Audit Plan, and in doing so, updated Members on progress on the 2021 audit, noting that it had been substantially completed, however, reference was made to a national issue with regard to valuation of infrastructure assets that had prevented the plan from being finally signed off. It was noted that the Chartered Institute of Public Finance and Accountancy (CIPFA) had set up a working group to consider this issue and the outcome of the findings were awaited before any necessary adjustments were made to the accounts before finally signing the opinion for 2021.

With regard to the Value for Money (VFM) work, the Annual Auditor's Report had been completed and was currently with the Council's Officers to review the draft and any comments would be fed back to the external auditors. It was noted that no significant weaknesses had been identified in the report, however, there were some areas where improvements had been identified, and the external auditors awaited the Authority's reply before the plan would be submitted to the Committee for consideration.

Referring to the Audit Plan 2021-2022, page 3 of the plan was highlighted with regard to the Council's ambition around growing the local economy, extending the Metro Line and the capital programme, noting that this ambition needed to be achieved against a backdrop of a very tight financial position and with relatively low levels of reserves and continuing statutory service pressures. For this reason, when reviewing the VFM work and conclusion, the external auditors would look in detail at managing the financial plans and reserves available.

Acknowledging that Covid 19 continued to effect Local Authorities, especially in terms of funding, the external auditors would continue to look for impacts to service demands that the Local Authority would face and acknowledging the continual push from the Regulator in terms of the level of the audit the external auditors were required to undertake together with the level of scrutiny that would be undertaken with regards to the financial statement and VFM.



Reference was made to page 4 of the report in relation to significant risk identified by the auditors which they anticipated would require special audit consideration and procedures to address the likelihood of a material financial statement error. Specific reference was made to the valuation of land and buildings and pensions, and it was noted that work would be focused on these areas. Reference was made to the issue that had arisen with regard to valuations last year, and the significant problems that were experienced by Officers and the external auditors and it was anticipated that a substantial level of work would be required again this year. However, it was noted that the Council had reached a conclusion to use external valuers so it was anticipated this would address some previous concerns.

A further significant risk identified related to the risk associated with the management over-ride of controls, and the work that would be undertaken by the auditors to mitigate the risk was noted.

Referring to materiality, it was noted that this had not changed significantly from last year and was determined to be approximately £10m.

In conclusion, referring to Value for Money arrangements, the external auditor's assessments regarding the Council's arrangements to secure value for money had not identified any risks of significant weakness at this stage, therefore no areas would require particular focus. However, an overview would be undertaken on the Council's finances and any significant projects being undertaken.

In response to a concern raised by Councillor M Evans with regards to the findings awaited from the Working Group set up to look at infrastructure and any impact that this may have on the Council's final audit, M Stocks advised that most Local Authorities (LA's) across the Country, including Dudley, had not complied with the CIPFA Code with regard to accounting for infrastructure which would result in most LAs being issued with a qualified financial statement opinion. Therefore, given the impact this would have on all LAs, CIPFA were undertaking a review of its Code and would issue new guidance to Councils on how they should account for infrastructure assets. As this would require an adjustment to the value for infrastructure in Dudley's accounts, it was important to wait for this new guidance before issuing a correct opinion which was anticipated to be issued towards the end of July 2022.

T Tobin (Grant Thornton), referred to Appendix Two to the report submitted, in relation to the audit risk assessment for Dudley for 2021-2022, which detailed a series of questions within the areas as set out in the report, that the external auditors had presented to the Council's Management and their responses were detailed in the report. It was noted that the external auditors had determined that the answers provided were reasonable and were not untypical and Members were asked to consider the responses.

Resolved



That the information contained in the report and Appendices to the report submitted on the External Auditor's Annual Audit Plan 2021/2022 and Risk Assessment for the 2021/2022 annual audit, be noted.

43 **Accounting Policies, Critical Accounting Judgements and Key Sources of Estimation Uncertainty**

The Committee received a report of the Director of Finance and Legal explaining the accounting policies, critical accounting judgements and key sources of estimation uncertainty that would be used in preparing the 2021/2022 Statement of Accounts and provided the Committee with an overview of the processes for making significant accounting estimates for the Council's Statement of Accounts.

Before presenting the report submitted, the Director of Finance and Legal in acknowledging the concern raised by Councillor Evans regarding last year's accounts, advised that the Council were in an unfamiliar position where work had commenced on this year's accounts prior to the previous year's accounts having been completed, due to the issue relating to infrastructure assets as discussed in the previous agenda item. However, Members were assured that the valuation of infrastructure assets would have no effect on the measurement of the Council's useable resources.

It was advised that the report set out an expectation of the significant accounting policies that would be used in the preparation of the 2021/2022 Statement of Accounts and outlined how the Authority would deal with some of the issues of judgment and estimated values. Specific reference was made to paragraph 4 of the report which detailed the only change relating to the policies used to prepare the 2021/2022 Statement of Accounts, regarding the introduction of a £50,000 de minimis for valuing stock on the balance sheet. It was noted that changing the de minimis would not impact on the necessity to keep accurate stock records but would mean that there was no longer a need to account for stock levels below £50,000 on the balance sheet.

In conclusion, the Director of Finance and Legal advised that there were no major changes to the Code of Practice on Local Authority Accounting.

Resolved

- (1) That the information contained in the report and appendices to the report in relation to critical accounting judgements made and key sources of estimation uncertainty, to be disclosed in the Statements of Accounts, be noted.
- (2) That the accounting policies to be used to complete the 2021/2022 Statement of Accounts, be approved.
- (3) That the processes for making significant accounting estimates for the Statement of Accounts, be noted.



44 **Internal Audit Plan 2022/2023**

The Committee considered a report of the Director of Finance and Legal informing Members of the proposed Internal Audit Plan for 2022/2023.

In presenting the report, the Head of Audit Services advised that the Plan was produced to enable him to deliver an internal audit opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and internal control.

The detailed process to produce the Audit Plan was then presented, as set out in paragraph 7 of the report. It was noted that Audit Services ensured that the list of auditable areas was complete and then scored based on perceived risk, and then adjusted for any assurance received. A key consideration in producing the assessment would be the risks included on the Corporate Risk Register. The resulting scores were then prioritised as high, medium, and low, reflecting those areas of highest risk that had the most pressing need for assurance.

It was noted that as part of the process, meetings had been held with the Chief Executive, Deputy Chief Executive, Directors, and a number of Heads of Service to discuss their risks and any emerging risks and proposals for inclusion in the audit plan. The plan had then been submitted and approved by Strategic Executive Board (SEB) at its meeting on 29th March 2022. The proposed Audit Plan for 2022/2023 was included as Appendix A, which provided a brief description of each audit.

Appendix B to the report, detailed the audit plan reserve list and it was noted that Audit Services had been unable to complete a number of audits or at the frequency required due to resources. However, the list would be utilised if an audit that was currently in the plan had to be cancelled, or additional resources were allocated to Audit Services. It was noted that Directorates had been informed of the list.

In conclusion, the Head of Audit Services referred to paragraph 19 of the report, which presented a breakdown of the Audit Plan by Directorates, Schools, and other work, with approximately 19% of the plan allocated to fraud work, 10% to risk management, and 9% allocated to income generation work.

Resolved

That the proposed Internal Audit Plan for 2022/2023, attached as Appendix A to the report, be approved.

45 **Audit and Standards Committee Annual Report**

A report of the Director of Finance and Legal was submitted on the Annual Report for Audit and Standards Committee 2021-2022, attached as Appendix A to the report.



The Head of Audit Services in presenting the report, advised that last year was the first year that an annual report had been produced on the Committee, which promoted the vital work of the Committee on ensuring that there were effective systems of governance, risk management and internal control and the importance of these in achieving Council priorities. It was proposed that the report be submitted to Full Council.

Arising from the presentation, the Members commended the report and stated that it demonstrated the quantity of work that the Committee had covered during the year.

Resolved

That the Annual Report for Audit and Standards Committee 2021/2022, be approved and referred to full Council at its meeting in July 2022.

46 **Exclusion of the Public**

Resolved

That the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information relating to any individual(s) or any action taken, or to be taken in connection with the prevention, investigation, or prosecution of crime, as defined under Part I of Schedule 12A to the Local Government Act 1972.

47 **Annual Fraud Report**

A report of the Director of Finance and Legal was submitted, on the work that Audit Services, and other Council teams, had undertaken and was planning to undertake to manage the risk of fraud and corruption across the Council. The report covered the period January 2021 to the end of December 2021. Appended to the report submitted were the Fraud Action Plan, additional details of Fraud Investigations and the Anti-Fraud and Corruption Strategy 2022.

In presenting the report, the Head of Audit Services advised that a review had been undertaken on the Anti-Fraud and Corruption Strategy as best practice suggested that the Strategy should include reference to Serious and Organised Crime and a section on this had now been included in paragraphs 1.1.1 to 1.1.4 inclusive.

It was noted that there was a risk relating to Fraud on the Corporate Risk Register and the main mitigation against the risk was to ensure the Fraud Action Plan was delivered which was the responsibility of the Head of Audit Services, and a copy of the Plan was attached as Appendix A to the report.



Referring to Covid 19, as set out in the paragraphs 16 to 21 in the report, it was noted that in March 2020, Central Government had supported local businesses and individuals by making available funding for non-repayable grants and this had continued during 2021. Audit Services staff had supported the processes in place by undertaking checks prior to payment and by investigating suspected fraudulent applications.

Reference was made to the Credit Industry Fraud Avoidance System (CIFAS), which the Council had subscribed to, and it was noted that this database had been used by many financial organisations to share intelligence of attempted and successfully executed frauds. Grant payments previously paid were cross matched against the database and checks would be undertaken prior to payment in the future. The outcome of the checks would determine whether further action would be required relating to the grant application or award.

In reference to paragraph 22 of the report, the Head of Audit Services commented on the work that had been undertaken on proactive anti-fraud – prevent and detect, which had included: organising Council Fraud Groups and participating in external Fraud Groups with a focus on sharing intelligence, continuing the development of the Audit Services intranet pages to provide comprehensive information on fraud, surveillance and money laundering, operating a Fraud Hotline, promoting the Council's Fraud Awareness Course, and taking part in decision making panels with other Council Officers to determine instances of deprivation of assets, in relation to Adult Social Care awards.

Paragraphs 23 to 28 detailed the work that had been undertaken in relation to Blue Badge fraud, and it was noted that an external contractor had been working with Council Officers, including the Corporate Fraud Manager, to identify fraud. The table in paragraph 28 detailed the number of on-going cases and results to date.

In relation to the Fraud Hotline, details of the calls that had been received by the hotline were presented, and it was noted that most of the calls had been referred to other teams within the Council for investigation. It was noted that the number of referrals had significantly increased since the previous year. The table in paragraph 29 detailed the type of calls that had been received.

Referring to paragraphs 32 to 33, it was noted that Audit Services had undertaken a review of serious organised crime during 2021 based on best practice self-assessment checklist, and the main actions that had been identified during the review were presented.

Referring to the Fraud and Enforcement Data Hub (FEDH), it was noted that the hub had captured approximately 2.6 million records from 21 separate data sets relating to Dudley Borough residents and businesses. This data had assisted Council teams with criminal and enforcement investigations and had also assisted with debt recovery such as the tracking of absconders. During the year the FEDH had been used extensively to investigate suspected fraudulent Covid 19 grant claims.



In relation to Investigate and Resolve, paragraph 44 provided up-to-date information on two cases that had been approved for prosecution that had previously been considered by the Committee. The number of cases of suspected fraud that had been investigated by Audit Services during the year, as detailed in paragraph 51 of the report, was also noted. Appendix B provided additional detail on the cases completed during the year and those that were currently in progress.

In relation to paragraphs 53 to 60, it was noted that the Council was involved in the National Fraud Initiative every two years. The results which had been released in late January 2021, revealed 8,221 matches of which 940 had been deemed as high priority by the Cabinet Office. The Council had currently reviewed 2,041 matches and no fraud had been identified, however a number of Blue Badges that had been identified as still active, although the registered holders had died, had now been terminated.

Referring to Training, it was noted that the Fraud Awareness On-Line Course had been updated and the number of employees that had completed the course was presented.

Referring to paragraphs 66 to 69 of the report, in relation to Benefit Services, as reported previously, responsibility for investigating Housing Benefits fraud had transferred to the Department for Work and Pensions (DWP). However, Benefit Services continued to undertake checks to identify fraud and error, and these were detailed in the report. It was noted that any potential fraud identified would be referred to the DWP.

Reference was made to the work undertaken by the Housing Tenancy Fraud Team, in paragraphs 71 to 82, which detailed the number of cases and a breakdown of the type of cases that had been investigated, and the outcome where fraud had been proven. It was reported that the Cabinet Office had placed notional values on certain aspects of Housing Fraud, and by applying these notional values, the Housing Fraud Team delivered notional savings to the Council of £366,000 for the recovery of properties and £77,760 for cancelled and excluded housing applications. It was noted that paragraph 82 of the report, gave a detailed account of the outcome of tenants that had been successfully prosecuted for fraud.

In conclusion, referring to the recommendations as set out in the report, the Head of Audit Services advised that approval from the Committee was also sought for the Anti-Fraud and Corruption Strategy attached as Appendix C to the report, which had been omitted from the recommendations.

Arising from the presentation, Members made comments and raised questions in relation to proactively cross matching datasets across the Council, Covid frauds that had been identified, and action taken in relation to Benefit and Housing Tenancy Fraud, which were responded to at the meeting.

Resolved

- (1) That the information contained in the report, be noted.



- (2) That the Fraud Action Plan for 2022, attached as Appendix A to the report, be approved.
- (3) That the Anti-Fraud and Corruption Strategy 2022, attached as Appendix C to the report, be approved.

48 **Chairman's Remarks**

As this was the last meeting of the municipal year, the Chair thanked Members for their attendance and contribution at the meetings and expressed thanks to officers for their assistance and valuable work contribution during the year.

The meeting ended at 7.30pm.

CHAIR



**Minutes of the Audit and Standards Committee
Thursday 9th June, 2022 at 5.30pm
in Committee Room 3, the Council House, Dudley**

Present:

Councillor A Lees (Chair)
Councillor D Borley (Vice- Chair)
Councillors P Atkins, H Bills, J Cowell, M Evans, J Martin, and A Taylor

Officers:

I Newman (Director of Finance and Legal), M Farooq (Lead for Law and Governance),
and L Jury (Democratic Services Officer).

1 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors S Ali and E Lawrence.

2 **Appointment of Substitute Member**

It was reported that Councillor H Bills had been appointed as substitute Member for Councillor S Ali for this meeting of the Committee only.

3 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Member's Code of Conduct.

4 **Re-appointment of the Standards Sub-Committee**

A report of the Monitoring Officer was submitted on the re-appointment of the Standards Sub-Committee.

The Monitoring Officer made reference to the role of the Sub-Committee, as set out in the report, and the number of matters that had been considered by the Sub-Committee in recent years was noted. For a number of years, the Sub-Committee had comprised of three members, the Chair, the Vice-Chair and one other Member from the opposing party.

Resolved

That the Standards Sub-Committee be re-appointed for 2022/2023 with its existing Terms of Reference and that the membership comprises of the Chair (Councillor A Lees), the Vice-Chair (Councillor D Borley) and Councillor J Cowell.

The meeting ended at 5.37pm.

CHAIR



**Minutes of the Children's Corporate Parenting Board
Thursday, 24th March 2022 at 4.30 pm
in the Council House, Priory Road, Dudley**

Present:

Councillor R Buttery (Chair)
Councillor S Ridney (Vice-Chair)
Councillors N Barlow, C Bayton, P Bradley, S Greenaway, A Lees, N Neale and D Stanley.

Officers

C Driscoll – Director of Children's Services, M McFadden – Corporate Parenting Board Co-ordinator and J Mupombi (Head of Children in Care, Care Leavers and Resources) (All Directorate of Children's Services) and K Buckle – Democratic Services Officer (Directorate of Finance and Legal).

11. **Apologies for Absence**

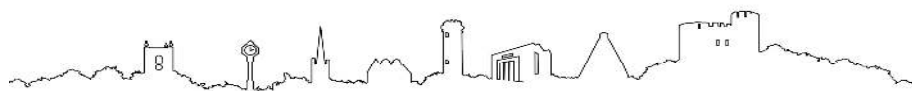
Apologies for absence from the meeting were received on behalf of Councillors D Bevan, B Challenor, R Collins, B Gentle, M Hanif, A Millward and E Taylor.

12. **Appointment of Substitute Members**

It was reported that Councillors N Barlow, C Bayton, S Greenaway and D Stanley had been appointed as substitute Members for Councillors D Bevan, M Hanif, R Collins and M Millward respectively, for this meeting of the Board only.

13. **Declarations of Interest**

Councillor S Ridney declared a non-pecuniary interest as the Chair of the Management Committee of the Virtual School.



14. **Minutes**

The Chair provided a verbal update on the Virtual School following her attendance at a Local Government Training Session hosted to extend the work of the Virtual School to any child that had been previously cared for by the Local Authority, as it had become evident that previous Looked After Children were failing to achieve their full academic potential.

The Chair supported the decision of the Government as that work would be extended to 1.6 million children nationally and one in ten or three children in every classroom. Special Educational Needs and Disabilities and Behavioural teaching would become embedded in all schools. The Director of Children's Services confirmed that the relevant teams had recently been extended, in order to deal with the additional responsibilities.

Resolved

That the minutes of the meeting held on 22nd July 2021, be approved as a correct record, and signed.

15. **Public Forum**

There were no issues raised under this agenda item.

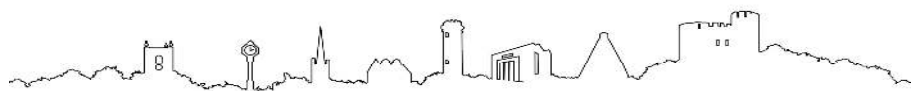
16. **Children's Corporate Parenting Board Municipal Year Report April 2021 to March 2022**

Members considered a presentation which provided detail in relation to the Board's Action Tracker for 2021 to 2022 including the reports considered by the Children's Corporate Parenting Working Group and the suggested recommendations during the municipal year. There had also been the establishment of the four Operational Working Groups which were facilitated by the Corporate Parenting Board Co-ordinator. The Operational Working Groups were as follows: -

The Care Experience Working Group
The Emotional Health and Wellbeing Working Group
The Skills Working Group
The Permanency Working Group

It was noted that six care experienced apprentices had become employed by Children's Social Care.

A Workshop for Members had also been reinstated to outline their corporate parenting responsibilities.



The Local Authority's Communications and Public Affairs Section had published an article informing Members of the Operational Working Groups established by the Board.

The Members Corporate Parenting Handbook had been approved by all Board Members.

The Service Manager for the Independent Reviewing Service had provided assurances that the Independent Visitor Service had been improved.

The Director of Children's Services had appointed the Chair of the Emotional Health and Wellbeing Working Group to Chair the Strategic Leadership meeting of the Dudley Lighthouse Links to provide independent challenge and accountability.

The Head of Children in Care – Care Leavers and Resources referred to the reports presented to the Children's Corporate Parenting Board Working Group and the suggested recommendations made by that Group during 2021 to 2022 as detailed below: -

On 9th September 2021 the Lead for the Adolescent Response Team had presented a report on Children Missing from Care to the Working Group that included current arrangements for those children and details of the number of children who were reported as missing, together with details of missing episodes and Return Home Interviews.

In responding to a question from Councillor C Bayton it was confirmed that reciprocal arrangements for reimbursing Local Authorities for carrying out Return Home Visits would be considered.

In responding to a question from Councillor P Bradley, it was accepted that the timeliness of conducting Return Home Interviews remained an area for improvement and those Interviews would be conducted following the last missing episode.

The Director of Children's Services confirmed that it remained a priority to conduct Return Home Interviews for Dudley children and those interviews remained an area for improvement and some missing episodes may be marred with exploitation and therefore compliance and quality interviews were required. It was confirmed that there were a number of children residing out of Borough.

It was stated that the reasons for missing episodes varied in that some had argued with their parents or wished to go to places that they were not allowed to, however, the majority of children had not believed that they were missing when going out with friends or visiting their separated parents. Sometimes children removed from their parents returned to their parents.



It was noted that when a child in care was placed with a carer, details of their networks and social media would be provided to the carer. Should a child be reported as missing, their carers were supported by providing the most appropriate course of action to follow rather than immediately telephoning the Police, however urgency would be dependent upon a child's age and the level of risk. Children's parents' houses would also be checked.

The Adoption at Heart Service Report was also presented to the September meeting of the Working Group and provided a focus on the work of the Service which included details of those children placed in foster to adopt placements during 2020/21. Data in relation to those children in Dudley placed in foster to adopt placements were referred to, including those who were placed interagency. Data in relation to post adoption contacts was also referred to, together with the number of contacts with their siblings. Work was also continuing to provide birth parent support with a view to more effectively supporting birth parents and improving outcomes for them and their children.

The Matrix Project Manager Social Care undertook to provide Members with details of how successful birth parent support had been in terms of data.

Following consideration of the report, Members of the Working Group requested a report on the timescales involved during the process to adopt a child together with updated figures on the number of children in Dudley being adopted.

In relation to the Children's Services Complaints, Comments and Compliments Annual report from 1st October 2020 to 31st March 2021, Members were pleased with the improved response times to complaints, and it had been noted that 61% of complaints had not been upheld with eight cases being upheld or partially upheld and one complaint withdrawn. The reasons for upholding complaints were mainly due to the quality of service and support which included the lack of communication. That lack of communication had resulted in a huge drive through the Strategic Management Team to demonstrate improvement.

The Children in Care Team had received 23 compliments during the same reporting period.

The update report of the Dudley Lighthouse Links Service, Emotional Wellbeing Service to Children in Care 23rd February 2021 to 18th August 2021 was considered by the Working Group and it was noted that in June 2021, Children's Services had commissioned an Independent Strategic Review of the Service and an action plan had been progressed.

A Clinical Lead had been appointed who was trauma trained and Therapeutic Parent Plans were being prepared for carers to meet the needs of children and young people.

Members requested further update reports on the Service in order to monitor progress; case studies on how young people and carers had benefited from the Service and a report in relation to kinship care.



The Chair requested that the kinship care report also include details of funding strategies for kinship carers.

In responding to a question from Councillor C Bayton, the Director of Children's Services undertook to provide the Board with the 'No Detriment Policy' including details of resources available to kinship carers.

A report on the Corporate Parenting Handbook was presented to the November meeting of the Working Group and an overview of the content of the Handbook had been provided to Members. The Handbook ensured that Elected Members understood their corporate parenting responsibilities. It was confirmed that the Handbook would be regularly updated on issues affecting children and young people and how the Local Authority were performing in relation to performance indicators.

Corporate Parenting Board Members were requested to sign the Handbook and adopt the mantra 'Children first and at the heart of all we do' be included on the front page of the handbook.

The Corporate Parenting Co-ordinator undertook to insert Members signatures and request the Council's Communications and Public Affairs Section to publish the Handbook for Members.

Throughout the municipal year the Working Group had received details in relation to the Children in Care Council Activities.

Members had also met with care experienced apprentices who had all provided details of their achievements.

An updated report on the Care Leavers Service had been presented to the January meeting of the Working Group which provided data in terms of the areas where they resided, those Not in Education Employment or Training (NEET), care leavers successes and the reason why children in care exited care.

It was confirmed that the drop-in centre for young people was to be set up by the Service Manager Children's Services Children in Care and Resources.

The Annual Health Report for Children in Care 2020 to 2021 was also presented to the January meeting of the Working Group, and it was noted that the Emotional Health and Wellbeing Working Group had considered the App that Sandwell Council utilised for Health Passports, and it had been agreed that those passports would be electronic in the future.

It was noted that the children in care and young people had chosen the priorities for the 2022/23 municipal year which included the following: -



- Your Health and Emotional Wellbeing.
- Your Home and where you live.
- To be listened to and respected.

The Working Group considered the Independent Reviewing Officers (IRO) Annual Report 2020/21.

It was confirmed that the following items would be included in the Annual Childrens Corporate Parenting Board Programme for 2022/23: -

- Verbal Update Reports from the Corporate Parenting Board Working Groups.
- Children's Services Complaints, Comments and Compliments Annual Report 1st April 2021 to 31st March 2022.
- Dudley's Virtual School Annual Report 1st April 2021 to 31st March 2022.
- Report on care experienced young people Not in Education Employment or Training.
- Fostering and Permanency Service Annual Report 1st April 2021 to 31st March 2022.
- Report from regional adoption agency Adoption at Heart.
- Review Report of Dudley Lighthouse Link Service.
- Dudley Clinical Commissioning Group Annual Children in Care Report 1st April 2021 to 31st March 2022.
- Independent Reviewing Officer Annual Report 1st April 2021 to 31st March 2022.
- Report on the outcomes of the Ofsted inspections, the Regulation Independent Visitor inspections and Regulation 45 quality of care reviews in respect of the Children Home (England) Regulations 2015.
- Care experienced young people update report.
- Connected Carers (Kinship) Report.
- Corporate Parenting Board Annual Report April 2021 – March 2022.

In relation to Leisure Centre Passes it was noted that S Gay, Leisure Services Manager would be invited to attend a future meeting of the Board to update Members in relation to passes for children in care and care leavers.

The Chair referred to funding available to prioritise children's mental health and the possibility of the funding being utilised for Leisure Passes as leisure centre activities not only prevent obesity but also mental health and wellbeing.

Councillor S Ridney referred to the request of the Children in Care Council to prevent constant changes in their Social Workers for children in care and a request to review pocket money.

The Head of Children in Care – Care Leavers and Resources confirmed that a review was being undertaken in relation to pocket money.

The Chair thanked Members and Officers for their support during the municipal year and Councillor S Ridney thanked the Corporate Parenting Co-ordinator for establishing the four Operational Working Groups. Thanks were echoed by all Members.



The Head of Children in Care – Care Leavers and Resources reported that all Elected Members would be asked if they wished to become Foster Carers as part of the Foster Carers Recruitment Strategy.

Resolved

- (1) That the information contained in the presentation on the Children's Corporate Parenting Board Municipal Year 2021/22, be noted.
- (2) That the Lead for the Adolescent Response Team be requested to provide Members with statistics and comparisons with neighbouring local authorities on the number, length of time children were missing and reasons for those episodes and to investigate the possibility of carrying out Return Home Interviews for all children placed in Dudley with a view to being reimbursed by those children's home authorities, (should they have been placed out of their area and in Dudley).
- (3) That the Corporate Parenting Co-ordinator be requested to insert Members' signature on the Corporate Parenting Handbook and request the Council's Communications and Public Affairs Section to publish the Handbook for Members.
- (4) That the Director of Children's Services be requested to submit a report on the timescales involved during the process to adopt a child and updated figures on the number of children in Dudley being adopted to a future meeting of the Board.
- (5) That the Head of Children in Care – Care Leavers and Resources be requested to provide Members with details and data of how successful Birth Parent Support had been.
- (5) That the Children's Corporate Parenting Strategy for 2022 to 2023 be approved.
- (6) That the Service Director of Children's Social Care be requested to liaise with the Director of Children's Services and the Service Director - Early Help/Schools and SEND to ascertain the current position in relation to all Directorates extending the offer of Apprenticeships to care leavers.
- (7) That the Head of Safeguarding, Practice and Quality Assurance be requested to inform Members whether the written information regarding the IRO and the Reviewing Service that was provided to all children and young people was all inclusive and catered for different languages and to provide an update report on the Independent Reviewing Officers Reviews to a future meeting.
- (8) That the Director of Children's Services be requested to provide Members with the 'No Detriment Policy', to include details of the resources available to kinship carers.
- (9) That the following items be included in the Annual Children's Corporate Parenting Board Programme for 2022/23



- Verbal Update Reports from the Corporate Parenting Board Working Groups.
- Children’s Services Complaints, Comments and Compliments Annual Report 1st April 2021 to 31st March 2022.
- Dudley’s Virtual School Annual Report 1st April 2021 to 31st March 2022.
- Report on care experienced young people Not in Education Employment or Training.
- Fostering and Permanency Service Annual Report 1st April 2021 to 31st March 2022.
- Report from regional adoption agency Adoption@Heart
- Review Report of Dudley Lighthouse Links Service
- Dudley Clinical Commissioning Group Annual Children in Care Report 1st April 2021 to 31st March 2022.
- Independent Reviewing Officer Annual Report 1st April 2021 to 31st March 2022
- Report on the outcomes of the Ofsted inspections, the Regulation. Independent Visitor inspections and Regulation 45 quality of care reviews in respect of the Children Home (England) Regulations 2015.
- Care experienced young people update report.
- Connected Carers (Kinship) Report to include funding strategies for kinship carers.
- Corporate Parenting Board Annual Report April 2021 – March 2022.

The meeting ended at 5.45 pm

CHAIR



CCPB/17

**Minutes of the Development Control Committee
Wednesday 13th, April 2022 at 6.00 pm
In the Committee Room 2, Council House, Dudley**

Present:

Councillor D Harley (Vice-Chair in the Chair)
Councillors D Corfield, M Hanif, C Neale, W Sullivan, E Taylor and M Westwood.

Officers: -

J Fraser (Tree Protection Officer), I Hunt (Project Engineer), C Mellor (Head of Planning), E Napier and P Reed (Principal Planning Officers), J Pilkington (Principal Historic Environment Officer) (Directorate of Regeneration and Enterprise); P Evans (Principal Environmental Health Officer) (Directorate of Public Health and Wellbeing), G Breakwell (Solicitor) and K Buckle (Democratic Services Officer) (Directorate of Finance and Legal).

Also in Attendance: -

15 members of the public

53. **Apologies**

Apologies for absence from the meeting were submitted on behalf of Councillors A Goddard and S Mughal.

54. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

55. **Minutes**

Resolved

That the minutes of the meeting held on 9th March 2022, be approved as a correct record and signed.

56. **Plans and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the reports submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating certain information given in the reports submitted. The content of the notes was taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting, and spoke on the planning applications as indicated: -

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P21/2117	Mr R Spencer	Mrs Gill
P22/0220	Mr A Zaman	Mr Faizey

- (a) **Planning Application No. P21/1989 – Sedgley Police Station and Car Park, Vicar Street, Sedgley, Dudley – Demolition of existing garages and part police station, erection of 3 no. dwellings on existing car park and conversion of existing police station into 9 no. flats to include single storey extension and associated works.**

Resolved

That the application be approved, subject to conditions numbered 1 to 34 (inclusive), as set out in the report submitted together with additional condition numbered 28(a), as set out below: -

- 28(a) If at least 50% of the car park is shared, according to Government Guidance (Residential Car Parking Research) there is no need for visitor parking as the apartment standards already include for unallocated visitor parking.

On a shared basis 13.55 spaces are needed and visitor allocation is not required if more than 50% of the spaces are shared. Given the condition the parking is shared there is actually a slight over provision of parking and no deficit with condition 28.

- (b) **Planning Application No. P21/2117 – 220 Spies Lane, Halesowen – Demolition of existing bungalow and garage and erection of 1 No. Dormer bungalow and 3 No. bungalows and associated works**

In considering the application, Members took into account the objections made to the application and as outlined in the report, in particular, the numerous accidents and fatalities in Spies Lane and accidents in close proximity to the site, whether the visibility splay was adequate for pedestrian safety, intensification of access close to a well-used bus stop close to a bend and the additional traffic that would be generated as a result of the development.

Members also considered the comments made in support of the application, in that the land had attracted anti-social behaviour and also pests and vermin and the development would provide accommodation for people wishing to downsize for retirement purposes and there was no evidence to support the highways concerns raised.

In responding to questions from Members, Officers reported that the access to the site had been amended and widened in order to address the visibility for pedestrians. The design now met the requirements for the width and entrance and access road. The turning area and access road met the requisite requirements and could be accessed by refuse and emergency vehicles.

Resolved

That the application be approved subject to conditions numbered 1 to 18 (inclusive), as set out in the report submitted.

(c) **Planning Application No. P22/0220 – 122,124,126 and 128 Colley Gate, Cradley, Halesowen – Demolition of existing buildings and erection of 8 No. Apartments with associated works.**

In considering the application submitted, Members noted the objections raised to the application in relation to the close proximity of the proposed building to the neighbouring property and the loss of privacy.

Officers responded to questions from Members advising that there would be a separation distance of 19 metres from the rear elevation of the proposed building and the boundary of the residential neighbour at number 6 Colley Lane. Also, in accordance with Planning Condition numbered 10, there would be boundary treatment to protect the amenity of the neighbouring property.

In addition, the proposed developments' bathroom windows would be obscured to protect privacy, and given the elevation of the proposed development, the kitchen windows would not result in privacy issues.

There was a small amenity space to the rear of the proposed development and car parking would be accessed from a tunnel beneath the upper floor flats with vehicle access from Colley Lane. The site in question had been derelict for approximately 10 to 11 years.

Resolved

That the application be approved, subject to conditions numbered 1 to 20 (inclusive), as set out in the report submitted and additional condition numbered 21, as set out below: -

21. The development shall not be occupied until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved car park management plan for the life of the development.

REASON: In the interests of the highway safety of the area and to ensure the availability of adequate parking provision within the site in accordance with the Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extension and alterations to existing dwellings.

57. **Confirmation of Tree Preservation Orders**

A report of the Director of Regeneration and Enterprise was submitted for Members to consider whether or not the Tree Preservation Orders contained in the Appendix to the report submitted should be confirmed with or without modification in light of the objections that had been received.

In considering the report submitted Members considered the objections raised to the proposed Orders in particular relating to the trees being situated within close proximity to neighbouring properties; the lack of a tree maintenance programme; local residents had attempted to facilitate a meeting with the owners of the trees (a nearby school), however, to date St Margaret's at Hasbury C of E Primary School had failed to engage with local residents.

In response, Officers advised that Tree Preservation Orders (TPO's) would not prevent work on the trees, however that work would be subject to the consent of the primary school referred to above. The TPO's would prevent any inappropriate intervention and it was accepted that the trees required continued maintenance and management.

The Head of Planning advised that TPO's were served immediately, however should objections be received to TPO's those Orders would be considered by the Committee who would confirm whether the Orders should be approved or modified. There was also the opportunity for Members to determine whether the Orders should apply to all trees in question or whether some trees should be removed from the Orders.

Resolved

That the Borough of Dudley (St. Margaret's at Hasbury Cof E Primary School, Hagley Road, Halesowen) (TPO/0301/HAS)) Tree Preservation Order 2021, as referred to in the Appendix to the report submitted, be confirmed without modification.

58. **Publication of the final Conservation Area Character Appraisals and Management Plans for the Lutley Mill Conservation Area and the Coppice Conservation Area.**

A report of the Director of Regeneration and Enterprise was submitted in relation to the Conservation Area Character Appraisals and Management Plans in relation to the Lutley Mill Conservation Area and the Coppice Conservation Area as outlined in Appendix A and B to the report submitted.

Resolved

- (1) That the results of the public consultation exercise undertaken in respect of the Draft Conservation Area Character Appraisals and Management Plans in relation to the Lutley Mill Conservation Area and the Coppice Conservation Area, as outlined in Appendix A and B to the report submitted, be noted.
 - (2) That the publication of the finalised Conservation Area Character Appraisals for the Lutley Mill Conservation Area and the Coppice Conservation Area be approved.
 - (3) That the Cabinet Member for Regeneration and Enterprise be recommended to approve the revised boundaries to the Lutley Mill Conservation Area and the Coppice Conservation Area as delineated by the boundaries shown in Appendix C to the report submitted and in line with the finalised Conservation Area Character Appraisals.
 - (4) That the Director of Regeneration and Enterprise be authorised to take all necessary steps to implement the proposal.
-

59. **Closing Remarks**

The Head of Planning referred to the imminent departure of E Napier the Principal Planning Officer from the Authority and thanked her for the work she had conducted for the Committee and the planning process.

The meeting ended at 7.20pm.

CHAIR

**Minutes of the Ernest Stevens Trusts Management Committee,
Monday 4th April, 2022 at 6.00pm
in Committee Room 2, Council House, Dudley**

Present:

Councillor I Kettle (Chair)
Councillors R Clinton, T Crumpton, M Hanif and A Hopwood

Co-opted Members

H Rogers (Friends of Mary Stevens Park, Stourbridge)
D Sparks (Friends of Stevens Park, Quarry Bank)
J Marks (Friends of Stevens Park, Wollescote)

Officers:

M Bieganski (Strategy and Governance Section Manager), E Bradford (Head of Street and Green Care and Amenity Services), D Fildes (Parks Development Manager), C Ludwig (Finance Manager), M Wilcox (Principal Lawyer), and L Jury (Democratic Services Officer)

Also in attendance:

A Hart – Lawn Tennis Association – for agenda item no. 5 only
Councillor S Phipps (Ward Member for Belle Vale) - for agenda item no. 6 only

40 **Apology for Absence**

An apology for absence was submitted on behalf of Councillor L Taylor-Childs.

41 **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

42 **Minutes**

Resolved

That the minutes of the meetings held on 31st January, 2022 and 23rd February 2022, be approved as correct records and signed.

43 **Parks Tennis**

The Committee received a report of the Interim Director of Public Health on the partnership work the Council were undertaking with the Lawn Tennis Association as part of a £30 million Government initiative to refurbish 4,500 tennis courts across the country.

In introducing the report, the Head of Street and Green Care and Amenity Services advised that a representative from the Lawn Tennis Association (LTA) was in attendance at the meeting to present the Government initiative to the Committee and answer any questions Members may wish to raise.

A Hart, a representative from the Lawn Tennis Association (LTA), the national governing body for tennis across Great Britain, advised that the association had received £30 million Government funding to refurbish 4,500 Local Authority tennis courts across the country with the aim to find a sustainable operating model across the parks to ensure that the future of tennis could be secured across Great Britain and drive a physical and social outcome for local communities.

It was noted that the association had been working with the Government for some time and had now secured the funding to refurbish a number of park courts to restore them to a playable standard for the use of park residents, ensuring that they were available to book on-line, which would address one of the main barriers that had been identified in relation to the public not being aware of the location of their local courts or how to book them.

It was noted that 1.74 million people play tennis in parks each year in Great Britain and the aim of the initiative was to increase people playing tennis by more than one million by 2024, acknowledging that is was a once in a generation opportunity to really make a difference in local communities by getting tennis rackets into the hands of people who might not feel comfortable attending a tennis club, but would be happy to play tennis in their local parks. It was acknowledged that the scheme was in its infancy and the LTA hoped to work with Dudley to ensure that it was one of the first Local Authorities (LAs) in the Midlands to move forward with the initiative.

The LTA would be looking to implement an on-line booking system to encourage more people to play and looking at capital investment to resurface or replenish the courts, put in new fencing or fix existing fencing, replace nets, etc and install a gate system which would only allow access to those that had booked the court on-line via a code. It was noted that some LAs had already implemented this system and had reported on its success.

It was noted that a mapping exercise had already been undertaken with the Parks Team and the LTA, and as a result, Officers had identified the following sites which had the potential for improvement:

- Huntingtree Park
- Mary Stevens Park
- Wollescote Park
- Priory Park
- Silver Jubilee Park
- Wordsley Park

It was reported that the next steps would involve technical services assessing the type of intervention that would be required on the sites, and it was anticipated that around circa £200,000 would be required in terms of the investment needed across the courts in Dudley. It was noted that a more detailed figure would be available once all technical service visits had been undertaken.

All monetary funding available to Local Authorities across Great Britain would be 100% grant funded and it was advised that a number of issues needed to be agreed with the successful LA's before initiating the scheme. This would include a challenge that had been identified with procurement. To address this issue, the LTA had agreed with the Department for Digital, Culture, Media and Sport (DCMS), to produce a procurement framework which it was anticipated would address the issues raised by speeding up the process.

The aim of the scheme was to have courts available to book on-line as soon as possible and have a good operator model in place so that in 10 years-time a sustainable plan would be in place to generate enough revenue to refresh the courts again without the need for additional funding.

It was hoped to engage the local communities with a free tennis offer, which would be run by volunteers for a few hours a week, similar to Park Run, to encourage the public to use the courts, and it was anticipated that this offer would be promoted through local schools. A recreational competitive offer would also be provided, already available at some sites, namely 'The Local Tennis Leagues', as a competitive element often retained people in the game.

In conclusion, A Hart advised that should the Committee be in agreement, discussions would be held with the Parks Team to ensure that the remainder of the technical service visits were undertaken and assess the total cost of refurbishment and agree an operating model to move the proposal forward. The Head of Street and Green Care and Amenity Services also made reference to the recommendations as set out in the report.

Arising from the presentation, Members made comments as follows:

- The Chair welcomed the scheme in terms of advocating a healthy/active lifestyle, however, concern was raised in relation to the seasonality of tennis and its sustainability. In response to questions raised with regards to timescales and whether companies had already been identified to undertake the refurbishment work required, A Hart advised that the grant funding would be available until April 2024, hence the urgency to move the proposal forward. It was noted that technical visits had already been undertaken on some sites and the next step was to obtain a final figure on the funding that needed to be spent to refurbish the courts and agree the procurement process with the DCMS, as already discussed. The Head of Street and Green Care and Amenity Services advised that companies had already been procured through the LTA's framework, which had been agreed with the Government, to enable the scheme to be delivered in line with the timescale.

- Councillor T Crumpton welcomed the initiative and stressed the importance of providing a safe environment for people to play tennis and the importance of being realistic in terms of what could be achieved within the funding limit. The seasonality of the game was again acknowledged, and reference was made to the challenge that could be faced with relation to the restrictions in place in some parks on playing ball games on Sundays. In response, A Hart stated that technical service visits had been undertaken on most sites and £200,000 was the anticipated figure for Dudley, however this figure would be confirmed once the report had been received and it was anticipated that more information would be available within the next few weeks and would be sent to the Head of Street and Green Care and Amenity Services for consideration.
- Referring to paragraph 7 of the report in relation to the sites that had been identified for improvements, the Representative of the Friends of Stevens Park, Quarry Bank, requested that further information be presented in relation to the criteria used to identify the sites. Concern was raised in relation to the licensing scheme in operation in some parks where people paid for a licence to use any facility in the parks for their own personal business, and any restrictions this may have on access to courts. It was requested that Officers undertake a review of the licensing scheme. In response, A Hart advised that locations had been chosen on demographics and population and the LTA had worked with a company to identify courts that had a high demand of use and also prioritised those courts that required work to be undertaken to provide a playable surface as it was important to achieve an operating model that would allow the Authority to generate an income to maintain the sites going forward.
- The Representative of the Friends of Stevens Park, Wollescote welcomed the scheme and stated that the scheme would increase footfall on the courts which would prevent use of the courts for other purposes. The need for further improvements at Wollescote Park was also acknowledged.
- In response to a question raised by Councillor M Hanif in relation to feedback from other LAs in the West Midlands who had been chosen for allocation of funding, A Hart stated that Solihull Council had already seen a reduction in anti-social behaviour since installing the gated system to the tennis courts and it was anticipated that by increasing the use of the parks by providing fun, free activities would assist in developing an ownership of the courts and reduce anti-social behaviour. It was stated that the scheme was in its infancy, and it was hoped that Dudley would lead the way as the first authority in the Black Country to take up the initiative. If the Committee agreed to the proposal, it was anticipated that work on the sites identified could commence July/August this year.

- The Representative of the Friends of Mary Stevens Park, referring to the deeds for Mary Stevens and Wollescote Parks advised that children should not be charged for playing tennis and referred to the restrictions with regard to playing ball games on a Sunday. In response, A Hart stated that if it was not viable to play tennis on some of the courts on a Sunday, the booking system could be adjusted to prevent booking on Sundays. The Principal Lawyer advised that should the scheme prove successful, and should the desire be to increase playing to include Sundays, consultation would need to be undertaken with the public to ascertain their views and the Charity Commission would need to be approached. It was acknowledged that a gated system that only allowed access to the courts through the booking system would help address the current situation where the courts could be accessed at all times, including Sundays.

In concluding, the Chair, referring to the timescale, stressed the importance of moving the proposal forward and requested that further information in relation to the operating model and costs agreed, be presented to the next meeting of the Committee, however, if information became available before the next meeting, that it be emailed to Members for consideration. It was also requested that a report in relation to the licensing scheme in operation in parks in the Borough be presented to the next meeting for consideration.

Resolved

- (1) That the contents of the report in relation to parks tennis and the presentation undertaken by the Lawn Tennis Association, and comments made by Members as stated above, be noted.
- (2) That a further detailed report be submitted to the next meeting of the Committee for consideration or emailed to Members should information become available beforehand.
- (3) That a report on the licensing scheme in operation in some parks in the Borough be submitted to the next meeting of the Committee for consideration.

44 Funding for Bernard Oakley Open Space

A report of the Interim Director of Public Realm was submitted on the options for grant expenditure at Bernard Oakley Open Space.

The Parks Development Manager presented the report, and in doing so, advised that as a result of discussions held at previous meetings, he had recently received three new quotes from play area manufacturers to supply play equipment. The equipment would be steel based as it was believed that steel equipment would be more robust and more suitable for the location, due to previous bouts of anti-social behaviour.

It was noted that a company had been chosen as it was considered that they offered a more varied selection of durable equipment, however, they would be requested to provide a new quote as they had misunderstood the requirements of the tender with regard to servicing.

It was noted that a meeting would be held with Councillor S Phipps to discuss the options that the Development Team had produced which centred around a refurbishment of the existing play area and the inclusion of new equipment, for toddlers and younger children, and would provide several items of trim trail equipment along the pathways within the site for older children.

The Parks Development Manager advised that as the refurbishment and painting of the exterior fencing, to bring it up to a suitable standard, would not be covered by the £17,200 funding, it was suggested that additional funding be sought, such as a Community Forum grant, which would be discussed with the Ward Members.

Arising from the presentation of the report, Councillor S Phipps thanked the officer for the update and stated that the project was now long overdue and acknowledged the pressure on the finance available for equipment due to the rise in steel prices. He agreed with the suggestion to apply for Community Funding to enhance the refurbishment project to also include replacing the existing signage on site and updating the rockery area. In addition to what could be undertaken with local stakeholders, it was suggested that additional funding be investigated to enhance the project even further. As it was acknowledged that the park was enjoyed by many residents from other Wards, it was proposed that cross-Ward plans be investigated. In response the Parks Development Manager referred to the cost of play equipment and confirmed that the play contractor that had been chosen had provided the authority with a heavy discount.

In response to suggestions to apply for grant funding from the Committee which were limited to £5000, the Chair requested an update on the accounts.

The Finance Manager advised that the accounts were about to be finalised however, information related to inflation for the last year and the value of investments were awaited. Income generated over the year and money that had already been spent and money that was already committed to rebuild the Walled Garden at Stevens Park, Wollescote was noted, and this would result in approximately £5000 being available for grant funding. A potential enquiry with regard to a grant from the Committee was noted, however final figures and an application had not yet been received.

The Chair requested that an update on the accounts be presented to the next meeting for consideration. In response, the Finance Manger advised that Dave McNaney would present the update at the next meeting as she would no longer be responsible for the Trust accounts, and this would be the last Committee meeting she would be attending. In response, the Chair expressed his gratitude to the Finance Manager for her assistance over the years.

Councillor T Crumpton advised that residents from Cradley and Wollescote also used the park and acknowledged the problems that had been experienced with the park historically partly due to its location and welcomed the proposed refurbishment of the open space. Acknowledging that residents from all three local Wards used the park, it was suggested that funding be investigated from the relevant Community Forums, and it was noted that requests for funding from Community Forums were not limited to £5000. It was also suggested that the three Wards in question, investigate setting up a Friends of Bernard Oakley group to increase interest in the area. A lack of match funding available from the Council resulting in the dependence of grant funding for such projects, was also raised.

In response, Councillor S Phipps advised that the creation of a Friends Group had previously been investigated but to no avail and agreed to pursue this issue again. It was requested that a discussion be held with the Parks Development Manager to discuss next steps, finalise the designs and discuss other options for the open space should additional funding become available.

Resolved

- (1) That the information presented on funding for Bernard Oakley Open Space and comments made by Members, as stated above, be noted.
- (2) That an up-to-date position with regard to the accounts be presented at the next meeting for consideration.
- (3) That the Parks Development Manager and Councillor S Phipps discuss the next steps to the proposed project, finalise the designs and discuss other options should additional funding be identified.
- (4) That the relevant Ward Members investigate additional funding streams to enhance the proposed project and investigate the establishment of a Friends of Bernard Oakley Group.

45 **Verbal progress update on the Walled Garden, Stevens Park, Wollescote**

The Chair presented a verbal update on the work being undertaken on the Walled Garden, Stevens Park, Wollescote. It was noted that meetings had been held with the Facilities Team Manager to discuss progress and it was noted that the contractor who had completed the previous two phases of the wall was no longer available. Therefore, a new contractor had been approached and confirmed their capability and availability to complete the work. Funding for £100,000 would be submitted to the Enover Trust and potential funding from the Community Infrastructure Levy (CIL) was also noted. It was anticipated that if successful, the funding would be available early Summer 2022.

Should the funding be awarded in Summer 2022, it was anticipated that the work would commence on site July/August.

46 **Chairman's remarks**

As this was the last meeting of the municipal year, the Chair expressed his thanks to Members and Officers for their enthusiasm and attendance at the meetings.

The meeting ended at 7.35pm

CHAIR

**Minutes of the Licensing and Safety Committee
Monday 30th May, 2022 at 6.00 pm
In Committee Room 2 at the Council House, Dudley**

Present:

Councillor J Clinton (Chair)
Councillor K Razzaq (Vice-Chair)
Councillors J Cowell, T Creed, P Drake, M Evans, K Finch, S Greenaway, M Howard, P Miller
and A Taylor.

Officers:

N Slym – Assistant Team Manager (Licensing and Waste Enforcement) (Directorate of Public
Realm); S Wright – Solicitor and H Mills – Democratic Services Officer (Directorate of Finance
and Legal).

1 **Declarations of interest**

No Member made a declaration of interest in accordance with the Members' Code of
Conduct.

2 **Minutes**

Resolved

That the minutes of the meeting held on 2nd February, 2022, be approved as a
correct record and signed.

3 **Appointment of Licensing Sub-Committees for the 2022/23 Municipal Year**

A report of the Lead for Law and Governance was submitted to consider the
appointment of four Licensing Sub-Committees for the 2022/23 municipal year.

Details of the proposed membership of the Licensing Sub-Committees was circulated
to Members at the meeting.

Resolved

- (1) That the establishment of four Licensing Sub-Committees, to deal with all licensing applications requiring Member determination in accordance with the functions allocated to the Licensing and Safety Committee, be approved.
- (2) That the membership of the Sub-Committees for 2022/23, be approved as set out below:-

Licensing Sub-Committee 1

Councillors J Clinton (Chair), J Cowell and P Miller

Licensing Sub-Committee 2

Councillors K Razzaq (Chair), P Drake and E Taylor

Licensing Sub-Committee 3

Councillors A Taylor (Chair), K Finch and T Creed

Licensing Sub-Committee 4

Councillors M Evans (Chair), M Howard and S Greenaway

- (3) That the substitution arrangements as set out in the Council's Procedure Rules, be noted and applied to the Licensing Sub-Committees, subject to an eligibility requirement that any named substitute must be:-
 - a) appointed to the Licensing and Safety Committee;
 - b) otherwise eligible to serve on any given occasion;
 - c) notified to the Lead for Law and Governance (Monitoring Officer) prior to the commencement of the meeting in question.
- (4) That the Lead for Law and Governance (Monitoring Officer) be authorised to make any necessary changes to the membership or composition of the Sub-Committees that might arise during the municipal year taking account of the wishes of the political groups.

The meeting ended at 6.02 pm.

(Councillor E Taylor attended at the conclusion of the meeting)

CHAIR



**Minutes of the Licensing Sub-Committee 4
Tuesday, 26th April, 2022 at 10.00 am
In the Council Chamber, Council House, Dudley**

Present:-

Councillor J Clinton (Chair)
Councillors J Cowell and E Taylor

Officers:-

N Slym – Assistant Team Manager (Directorate of Public Realm), R Clark – Solicitor and
M Johal – Senior Democratic Services Officer (Directorate of Finance and Legal).

11. **Apology for absence**

An apology for absence from the meeting was submitted on behalf of Councillor R Burston.

12. **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed as a Substitute Member for Councillor R Burston for this meeting of the Sub-Committee only.

13. **Declarations of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

14. **Minutes**

Resolved

That the minutes of the meeting held on 11th January, 2022, be approved as a correct record and signed.

15. **Application to Vary a Premises Licence – Budgens, 58 High Street, Pensnett, Brierley Hill**

A report of the Interim Director of Public Realm was submitted on an application for variation of the premises licence in respect of the premises known as Budgens (formerly Sainsburys Supermarket), 58 High Street, Pensnett, Brierley Hill.

The following were in attendance at the meeting: -

Mr R Botkai – Solicitor
Mr M Palanisamy – Director
Mr A Kaliannan – Business Development Manager
Ms K Turley – West Midlands Police
Councillors S Greenaway and R Collins – Objectors

The Chair welcomed everyone present to the meeting and outlined the procedure that would be followed.

The Assistant Team Manager - Licensing and Waste Enforcement presented the report on behalf of the Council.

Ms K Turley, on behalf of West Midlands Police, made representations objecting to the variation of the premises licence under the Prevention of Crime and Disorder licensing objective. In doing so, it was stated that although the premises were located on a High Street, it was within a residential area, with a number of anti-social behavioural issues surrounding it. It was asserted that should the extension of hours for the sale of alcohol to 24 hours per day, 7 days a week, be granted, it would potentially cause an increase in anti-social behavioural issues. Reference was also made to correspondence between the applicant's solicitor and the Police including consideration of proposed conditions circulated the previous day. Specific reference was made to the proposed condition numbered 8 and Ms Turley stated that the Police were of the view that a night pay window together with there being no dedicated car park would cause additional noise nuisance issues and therefore could not support the application.

The objectors, Councillors S Greenaway and R Collins then made their representations in their capacity as Ward Councillors for Brockmoor and Pensnett. Councillor R Collins agreed with the comments made by the Police and provided further comments in this regard and highlighted that the selling of alcohol on a 24-hour basis would exacerbate anti-social behaviour issues in the area. Reference was also made to the potential risk of people travelling from neighbouring areas to use the shop during late hours causing an influx in traffic during unsocial hours. It was also stated that the premises hours had previously been reduced to 9pm due to anti-social behaviour and that registered door

staff had been used by the previous owners, Sainsburys. Councillor S Greenaway highlighted the fact that she was not keen on small shops being open all night due to nuisance to local residents and highlighted concerns about staff and public safety. Reference was also made to a new housing development that was currently underway in close proximity to the shop and on the potential impact to those residents.

Mr R Botkai, Solicitor then presented the case on behalf of Samy Limited, the applicant, and in doing so, provided background information to the organisation in that they had acquired a number of stores from Sainsburys. The symbol group for the organisation was Budgens and the company now owned 25 stores, employed over 200 staff, had 16, 24-hour licences with no reviews. The organisation owned a store in Oldbury and operated on the same basis requested and no difficulties had been encountered. It was highlighted that the store in question currently operated on a 24-hour basis but had to cease selling alcohol and hot drinks at midnight until 6am. Mr Botkai referred to the proposed conditions circulated the previous day and highlighted the fact that they would consider any amendments, particularly to the night pay window. Further, to allay safety fears and to provide an assurance to the Police, the organisation made a proposition to ensure 2 staff were on duty during the night between the hours of 12 midnight and 6 am whilst doors were open and/or to have a night pay window. Conflicting information was provided by the Police in differing locations as some preferred a night pay window, however, the organisation would consider any suggestions moving forward.

With regard to training, Mr Botkai indicated that the company used a proper national training provider to fully train staff which was refreshed every 3 months. In responding to issues raised by the Police and objectors, Mr Botkai stated that the premises had a dedicated car park, litter was cleaned outside on a daily basis and a potential increase in traffic was unknown, however, it was pointed out that the store already operated on a 24-hour basis and therefore a significant increase in traffic was not expected. Clarification was also provided on the sale of hot food and it was stated that the intention of late night refreshment was to have a "Costa" to allow people to have hot drinks and the applicant was content for a condition to not serve hot food although it was highlighted that the shop did not cater for takeaway food such as kebabs.

Mr Botkai referred to national Licensing policies and the Council's local policy requiring there to be a very good reason not to grant permission and highlighted the fact that there was no evidence or data to verify anti-social behaviour issues arising from the premises. Representations and objections were based on opinions and hypothetical situations and it was pointed out there had been no representations from local residents.

Following questioning and responses provided by relevant parties, the Council's representative, the objectors and the applicant's representative summarised their cases.



All parties then withdrew from the meeting to enable the Sub-Committee to determine the application.

Upon reconvening, the decision was communicated to all parties, as follows:-

Resolved

That, having considered all the information received in writing, and as presented at the meeting, the application for variation of the premises in respect of Budgens, 58 High Street, Brierley Hill, be granted with the following conditions:-

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales. Induction training must be completed and documented prior to the sale of alcohol by the staff member. Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months. Training records will be available for inspection by a police officer or other authorised officer on request. Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request. The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

3. An incident book/register shall be maintained to record:
 - all incidents of crime and disorder occurring at the premises
 - details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request. The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

4. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.
5. There shall be no self-service of spirits except for spirit mixtures.



LSBC4/11

6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. There shall be no sale of single cans of beer, lager or cider from the premises.
8. Between the hours of 0000 to 0600 there shall be a minimum of 2 members of staff on duty. In the alternative, and if there is only one member of staff on duty, the shop door must be closed to customers and any sales made through the night pay window.

The meeting ended at 11.15am

CHAIR



**Minutes of the Planning Committee
Monday, 23rd May 2022 at 6.00 pm
In the Council Chamber, The Council House, Dudley**

Present:

Councillor A Goddard (Vice-Chair in the Chair)
Councillors H Bills, D Corfield, P Drake, P Miller, W Sullivan, D Stanley, E Taylor and
M Westwood.

Officers:

H Benbow (Principal Planning Officer), L Benbow (Planning Officer), C Golightly (Senior Planning Officer) and P Reed (Principal Planning Officer), (Directorate of Regeneration and Enterprise); P Evans (Principal Environmental Health Officer) (Directorate of Public Health and Wellbeing), G Breakwell (Solicitor), S Griffiths (Democratic Services Manager) and G Gray (Assistant Democratic Services Officer) (Directorate of Finance and Legal).

Observers:

Councillors K Razzaq, P Lee and J Martin together with approximately 55 members of the public.

1. **Apology for Absence**

An apology for absence from the meeting was submitted on behalf of Councillor D Harley.

2. **Appointment of Substitute Member**

It was reported that Councillor D Stanley had been appointed as a substitute Member for Councillor D Harley, for this meeting of the Committee only.

3. **Declarations of Interest**

Councillor P Drake declared an interest in relation to Planning Application No. P22/0251 – McDonald's Restaurant, Birmingham New Road and would withdraw from the meeting during consideration of this agenda item. It was noted that Councillor P Drake would be speaking in his capacity as Ward Member for this item of business.

4. **Minutes**

Resolved

That the minutes of the meeting held on 13th April, 2022, be approved as a correct record and signed.

5. **Plans and Applications to Develop**

A report of the Director of Regeneration and Enterprise was submitted on the following plans and applications to develop. Where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the reports submitted, notes known as Pre-Committee notes had also been circulated prior to the meeting updating certain information given in the reports submitted. The content of the notes was taken into account in respect of the applications to which they referred.

The following persons were in attendance at the meeting, and spoke on the planning applications as indicated: -

<u>Application No.</u>	<u>Objectors/Supporters who wished to speak</u>	<u>Agent/Applicant who wished to speak</u>
P21/0006	Councillor P Bradley P Hanley	
P21/1344	Councillor C Bayton	
P21/2252	A Phillips	
P22/0179	A Sankey	J Jowitt
P22/0251	Councillor P Drake M Westwood	B Beckett

(a) **Planning Application No. P21/0006 – Land adjacent to 15 Culverhouse Drive, Brierley Hill – Erection of 3 No. dwellings and garage**

In considering the application, Members took account of the objections raised by the local Ward Councillor and local residents and as outlined in the report and reported at the meeting. In particular, the changes of the Coal Mining Risk Assessment submitted by the Coal Authority and concerns for the potential of land disturbance as well as the damage that may be made to existing properties. Concerns were raised regarding the fundamental loss of Greenspace within the area, which was deemed to be an asset to local residents. The land was ecologically rich and it was considered that greenspaces should be protected.

Members referred to and made comments regarding the change of the Coal Mining Risk Assessment. Concerns were raised regarding the integral loss of Greenspace within the area and whether this might set a precedent for the wider space owned by the applicant. Members were of the view that this greenspace should be safeguarded.

In responding to questions from Members, Officers were of the view that as the Coal Authority had no objections to the development and as further information had been obtained over the years, there was a more comprehensible Risk Assessment, which deemed that the land could be safely developed. It was clarified that the area was classed as greenspace. Although the developers privately owned the wider space, the Planning Application covered only a small portion of the land. Any plans to develop that might be submitted in the future would be assessed under their own individual merits and no further development would be approved should it be detrimental to the area.

Resolved

That the application be refused for the reasons outlined below:-

The proposed development of this privately owned green space, which is sited adjacent to a larger area of privately owned open space would have a harmful impact on the continuity of the green space and the visual amenity of the area and result in the loss of part of the Borough's open space network. As such the proposal is contrary to Policies ENV2, ENV3 and ENV6 of the Black Country Core Strategy and Policies S2, S8, S19, and L1 of the Dudley Borough Development Strategy.

(b) **Planning Application No. P21/1344 – 128 Himley Road, Dudley – Change of use from 5 no. flats (C3) into a 13 no. bedroom HMO (sui generis) and conversion of rear store/garage to flat (C3) to include alterations to elevations. Retrospective consent for new retaining wall to front**

In considering the application, Members took into account the objections raised by the local Ward Councillors to the application as outlined in the report and reported at the meeting, in particular, that there was crime and disorder within the area; an additional House in Multiple Occupation (HMO) might attract anti-social behaviour and additional parking would present a hazard to the existing area.

Members referred to and made comments regarding the potential impact of anti-social behaviour on local residents and a nearby sheltered facility. There were a number of cars parked on the road and Members considered that additional flats would generate further issues for on-road parking causing a concern for highway safety, whether this could be enforceable, and that it would pose a danger.

In responding to questions from Members, it was noted that weight could not be given to the nature of the proposed residents that might occupy the flats as this was not part of the Planning Policy in that this factor was not a material planning consideration. It was reported that it was a matter for the applicant to demonstrate how access and on road parking would be controlled and enforced and that it would be required to discharge the planning condition in this regard. It was advised that an Engineer would need to assess the area to ensure adequate access was put in place.

Resolved

That the application be refused for the reasons outlined below:-

The development would result in the intensification of the use of the access into the site which due to its poor visibility and steep gradient would exacerbate existing problems of pedestrian and vehicular visibility detrimental to highway safety and vulnerable road users. The application is therefore contrary to Black Country Core Policy TRAN2 - Managing Transport Impacts of New Development, and Dudley Borough Development Strategy Policy S17 - Access & Impact of Development on the Transport Network and guidance contained within the National Planning Policy Framework 2021.

- (c) **Planning Application No. P21/2252 – Hampshire House, 434 High Street, Kingswinford – Outline Application for the demolition of existing office building and residential development for up to 31 dwellings (all matters reserved)**

Resolved

That the application be approved, subject to conditions numbered 1 to 31 (inclusive), as set out in the report submitted and additional condition from Severn Trent Water, numbered 32, as set out below: -

- (32) No objections, subject to a condition for drainage plans for foul and surface water flows. Severn Trent Water have suggested there may be a public sewer located within the site and stated that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.
-

- (d) **Planning Application No. P22/0179 – 4 Hamble Close, Pensnett, Brierley Hill – Erection of front porch (retrospective)**

Resolved

That the application be approved, subject to condition numbered 1 outlined in the report submitted.

(At this juncture Councillor P Drake withdrew from the Committee)

- (e) **Planning Application No. P22/0251 – McDonald’s Restaurant, Birmingham New Road, Bilston – Removal of Condition 1 of the Planning Permission P19/0646 (allowed via Appeal Ref: APP/C4615/W/19/3237704) to enable the McDonald’s Restaurant to trade 24 hours a day, seven days a week, on a permanent basis**

Resolved

That the application be approved, subject to conditions numbered 1 to 3 (inclusive), as set out in the report.

(At this juncture Councillor P Drake returned to the Committee)

- (f) **Planning Application No. P22/0335 – 92 Manor Abbey Road, Halesowen – Single front and rear extensions, first floor rear extension, new dormer windows to rear with extension of existing habitable rooms at second floor and garage conversion (resubmission of P21/1974)**

Resolved

That the application be approved, subject to conditions numbered 1 to 3 (inclusive), as outlined in the report submitted.

The meeting ended at 7.50pm.

CHAIR

**Minutes of the Meeting of the Taxis Committee
Wednesday 6th April 2022 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor K Lewis (Vice-Chair)
Councillors A Aston, M Aston, I Bevan, B Challenor and D Harley

Officers:

S Smith (Team Manager (Licensing and Waste Enforcement)), N Slym (Assistant Team Manager), N Bangar (Solicitor) and K Taylor (Democratic Services Officer)

Also in Attendance:

Mr M Ali (Dudley Taxi and Private Hire Association) for Agenda Item No. 5 – Review of Hackney Carriage Fares.

65 **Apologies for absence**

Apologies for absence from the meeting were submitted on behalf of Councillors R Body, P Drake and E Lawrence.

66 **Appointment of Substitute Member**

It was reported that Councillor A Aston had been appointed as substitute Member for Councillor P Drake for this meeting of the Committee only.

67 **Declarations of interest**

No Member made a declaration of interest, in accordance with the Members Code of Conduct, in respect of any matter considered at the meeting.

68 **Minutes**

Resolved



That the minutes of the meeting held on 16th February 2022 be approved as a correct record and signed.

69 **Review of Hackney Carriage Fares**

A report of the Deputy Chief Executive was submitted on the application for the increase in hackney carriage fares submitted by Mr Ali on behalf of the Dudley Taxi and Private Hire Association who represent a number of both Hackney Carriage and Private Hire drivers licensed by Dudley Council.

The Team Manager (Licensing and Waste Enforcement) presented the report in detail, and in doing so, outlined comparative data for an average two-mile hackney fare by neighbouring authorities, against the national average of £6.17. It was noted that Dudley currently charged £5.60 for an average two-mile journey as agreed in 2011.

The current table of fares was attached as Appendix 1 to the report submitted and the suggested rates proposed by the Dudley Taxi and Private Hire Association were attached as Appendix 2 to the report.

Mr Ali on behalf of the Dudley Taxi and Private Hire Association referred to the low and competitive rates offered by Dudley in comparison to neighbouring authorities which were also being reviewed. It was considered that factors such as waiting time per hour, which had been agreed in 2006, should be reviewed in order to adapt to increasing demand and national challenges, including rising fuel costs. Mr Ali further commented on the ongoing significant reduction in hackney carriage drivers which was expected to cause further difficulties for customers and residents of Dudley, in particular, wheelchair accessibility.

At this juncture, the Team Manager (Licensing and Waste Enforcement) provided a summary of the legislation in relation to Hackney Carriage fare charging.

Resolved

That, following careful consideration of the information contained in the report submitted, an increase in the fares charged for the hiring of hackney carriages, be approved as set out below:-

Fares for Distance or Time Commencing after 6.00 or 23.00	Day Time Rate 6.00 to 23.00 (Tariff 1)	Night Time Rate 23.00 to 6.00 (Tariff 2)	Tariff 3
To Hire this Taxi	£2.00	£2.50	Christmas and New Year Rate From 6pm on 24 th December to 6am on 27 th December; and from 6pm on 31 st December to Midnight on 1 January
Up to First Mile	£4.80	£5.30	
For each Mile thereafter	£1.80	£1.80	
Waiting Time Per 1 Minute Per Hour	25p £15.00	25p £15.00	£3.00 start rate and first mile £8.60
Price Guide			
Up to 1 Mile	£4.80	£5.30	
2 miles	£6.60	£7.10	
3 miles	£8.40	£8.90	
5 miles	£12.00	£12.50	
10 miles	£21.00	£21.50	Extras All Other Bank Holidays + Sundays (+ 50P TARIFF 2)
Soiling Charge	Up to £50.00	Up to £50.00	Booking/Extra Passenger charge Telephone Bookings only £2.00

70 Exclusion of the Public and Press

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information relating to an individual(s) as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

71 Change in Order of Business

Pursuant to Council Procedure Rule 13(c) it was:

Resolved

That the order of business be varied, and the agenda items considered in the order set out in the minutes below.

72 Application for Grant of Exemptions on a Private Hire Vehicle Licence – Mr MP

A report of the Deputy Chief Executive was submitted to consider an application made on behalf of Mr MP for the grant of an exemption on the private hire vehicle licence operated under the operator's licence for his organisation.

Mr MP was in attendance at the meeting together with a supporter and responded to questions asked by the Committee.

Mr MP stated that his company would provide a bespoke limousine driving service, and due to the nature of the service to be provided, he had made the application for the special dispensation with regards to the door signage, roof sign and plate in respect of the vehicle. Mr MP also confirmed that he would not be accepting private hire bookings and that he was satisfied with displaying an identification plate to be fixed in a prominent position inside his vehicle.

Resolved

That, subject to an identification plate to be fixed in a prominent position inside the vehicle, an exemption on the Private Hire Vehicle Licence issued to Mr MP operated under the operator's licence for his company, be granted..

73 **Review of Private Hire and Hackney Carriage Driver's Licence – Mr FS**

A report of the Deputy Chief Executive was submitted to consider the review of the private hire and hackney carriage driver's licence issued to Mr FS.

Mr FS was in attendance at the meeting together with two witnesses, Police Community Support Officer (PCSO) Cox and PCSO Copson.

It was noted that on 9th December, 2021, the Committee determined that the application be deferred to a future meeting of the Committee in view of the paperwork submitted being incomplete, in that the transcript from the interview attended by Mr FS, together with statements and supporting evidence from West Midlands Police had been omitted. The Team Manager (Licensing and Waste Enforcement) confirmed that all completed paperwork had now been disclosed to all parties in order to consider the application for review.

Following the presentation of the report submitted, all parties confirmed that the content of the report was a true reflection of the incident on 19th June, 2021. It was noted that additional evidence had been provided to all parties prior to the hearing, which had been relevant to the case.

The witnesses, PCSO's Cox and Copson responded to a series of questions asked by the Committee in relation to the incident.

Mr FS responded to questions asked by the Committee and indicated that he was not aware of the speed that he was travelling as he did not look at his speedometer and judged his speed by the feel of the vehicle and acknowledged that he would have been unable to stop the vehicle safely in an emergency and offered no explanation for driving at the speed that he was. He did however dispute the claim that there was no vehicle plate in the back of his window.

The Committee were informed that there were no further matters pending that needed to be brought to their attention.

The Solicitor provided a legal summary in relation to the case, following which all parties withdrew from the meeting to enable the Committee to determine the review.

Resolved

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the Committee were of the view that the Private Hire and Hackney Carriage Driver's Licences issued to Mr FS be revoked under section 61(1) (b) of the Local Government (Miscellaneous) Act 1976, as the Committee determined that Mr FS by virtue of his driving conduct was no longer a fit and proper person to hold a licence.

Mr FS was informed of his right to appeal the decision of the Committee.

The meeting ended at 6.50 pm.

CHAIR



**Minutes of the Meeting of the Taxis Committee
Monday 6th June 2022 at 6.00 pm
in Committee Room 2 at the Council House, Dudley**

Present:

Councillor A Hopwood (Chair)
Councillor B Challenor (Vice-Chair)
Councillors M Aston, P Drake, D Harley, P Lee, A Lees, J Martin, and D Stanley

Officers:

S Smith (Team Manager (Licensing and Waste Enforcement)), N Slym (Assistant Team Manager), T Holder (Solicitor) and L Jury (Democratic Services Officer)

1 Apology for absence

An apology for absence from the meeting was submitted on behalf of Councillor R Body.

2 Appointment of Substitute Member

It was reported that Councillor P Drake had been appointed as substitute Member for Councillor R Body for this meeting of the Committee only.

3 Declarations of interest

No Member made a declaration of interest, in accordance with the Members Code of Conduct, in respect of any matter considered at the meeting.

4 Minutes

Resolved

That the minutes of the meeting held on 6th April 2022 be approved as a correct record and signed.

5 **Exclusion of the Public and Press**

Resolved

That the public and press be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information relating to an individual(s) as defined under Part 1 of Schedule 12A to the Local Government Act 1972, as amended.

6 **Review of a Private Hire and Hackney Carriage Driver's Licence – Mr MAA**

A report of the Interim Director of Public Realm was submitted to consider the review of the private hire and hackney carriage driver's licence issued to Mr MAA.

Mr MAA was in attendance at the meeting and explained the circumstances surrounding the offences. It was noted that some of the incidents had occurred whilst Mr MAA was undertaking his duties as a private hire driver, and he explained his confusion with regards to the changes to the speed limits on the road in question within a relatively short distance. He confirmed that he believed that he had been driving within the speed limits permitted and that the offences had been genuine mistakes and that he would do his utmost to see that this did not happen again.

Mr MAA responded to questions asked by the Committee and confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

All parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That, following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Guidance, in pursuance of Part II Section 61(1) and (2A) of the Local Government (Miscellaneous Provisions) Act 1976, the Private Hire and Hackney Carriage Driver's Licence issued to Mr MAA, be suspended for a period of one month, due to the frequency of the offences outlined.

Mr MAA was informed of his right to appeal the decision.

7 **Application for Grant of a Private Hire Driver's Licence – Mr JK**

A report of the Interim Director of Public Realm was submitted to consider the grant of a private hire driver's licence to Mr JK.

Mr JK was in attendance at the meeting together with his wife and gave a detailed explanation of the circumstances surrounding the offences which had been linked to a family dispute for which he was very embarrassed and remorseful. Mr JK confirmed that should the Committee approve the grant of a licence, a Taxi company had expressed that they would employ him, and his future behaviour would be monitored.

The Committee were informed that there were no further matters pending that needed to be brought to their attention.

All parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That, following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Guidance, in pursuance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee determined that, although the offences committed were of a serious nature, Mr JK was deemed as a fit and proper person and a private hire driver's licence be granted particularly as his future behaviour and conduct would be closely monitored.

8 Application for the Grant of Private Hire Driver's Licence – Mr DJK

A report of the Interim Director of Public Realm was submitted to consider the grant of a private hire driver's licence to Mr DJK

Mr DJK was in attendance at the meeting and responded to questions raised by the Committee in relation to convictions that had been highlighted in his Disclosure Barring Service check (DBS). Mr DJK referred to the personal circumstances that had led to the incidents and confirmed that the incidents had all been undertaken when he had been a juvenile some 32 years ago, and he confirmed that he had now turned his life around. It was noted that Mr DJK had been in secure employment for several years and now wished to change his employment to be able to spend more quality time with his family.

The Committee were informed that there were no further matters pending that needed to be brought to their attention.

All parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That, following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Guidance, in pursuance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee determined that, Mr DJK was a fit and proper person and a private hire driver's licence be granted.

9 **Application for the Grant of a Private Hire Driver's Licence – Mr ACA**

A report of the Interim Director of Public Realm was submitted to consider the grant of a private hire driver's licence to Mr ACA.

Mr ACA was in attendance at the meeting and gave a detailed explanation of the circumstances surrounding the offence as set out in the report and confirmed that he had not been undertaking his duties as a private hire driver when the incident had occurred. It was noted that prior to the offence, Mr ACA confirmed that he had no previous convictions and admitted that the incident had been a mistake which he deeply regretted and assured Members that this would not happen again. Mr ACA confirmed the name of the Taxi company he would be employed with should the Committee grant him a licence.

Mr ACA responded to further questions raised by the Committee and confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

All parties withdrew from the meeting to enable the Committee to determine the application.

Resolved

That, following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Guidance, in pursuance of Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, the application for grant of a Private Hire Driver's Licence in respect of Mr ACA, be refused, as the Committee was not satisfied that the applicant was a fit and proper person to be granted a private hire driver's licence, due to the seriousness of the offence committed, as outlined in the report.

Mr ACA was informed of his right to appeal the decision.

10 **Review of a Private Hire Driver's Licence – Mr IM**

A report of the Interim Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr IM.

Mr IM was in attendance at the meeting and explained the circumstances surrounding the breach in his licencing condition and assured Members that all issues that had been raised at the interview he had attended with Licensing Officers had been rectified.

Mr IM responded to questions asked by the Committee and confirmed that there were no further matters pending that needed to be brought to the Committee's attention.

Resolved

That, following careful consideration of the information contained in the report submitted, the evidence provided at the meeting and having regard to the Committee Guidelines and Statutory Guidance, in pursuance of Part II Section 61(1) and (2A) of the Local Government (Miscellaneous Provisions) Act 1976, the Private Hire Driver's Licence issued to Mr IM, be suspended for a period of one month, due to the offences outlined and following the suspension period, Mr IM's future conduct be monitored.

Mr IM was informed of his right to appeal the decision.

12 **Review of a Private Hire Driver's Licence – Mr MM**

A report of the Interim Director of Public Realm was submitted to consider the review of the private hire driver's licence issued to Mr MM.

Mr MM was in attendance at the meeting together with his wife and requested that his application to review his private hire driver's licence be deferred to a future meeting to enable him to arrange legal representation.

Resolved

That, consideration of the application for the review of a private hire driver's licence issued to Mr MM, be deferred to the next meeting to allow Mr MM to arrange legal representation.

The meeting ended at 7.55pm.

CHAIR

1.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor N Barlow
Authorised By Councillor N Barlow, Cabinet Member for Health and Adult Social Care
Councillor P Harley, Leader of the Council
In Consultation With Karen Wright, Director of Public Health and Wellbeing
Karen Wright, Director of Public Health and Wellbeing
Ward(s) Affected All
Date of Decision 13 April 2022 **Reference** DPH/01/2022

Health and Wellbeing and Health Inequalities Board Policy Officer post

To request an appointment of a Scale 11 Policy Officer to manage the Health and Wellbeing Board, write the HWBB plan and to manage the Health Inequalities Board and to write the HIB plan.

2.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor N Barlow
Authorised By Councillor N Barlow, Cabinet Member for Health and Adult Social Care
Councillor P Harley, Leader of the Council
In Consultation With Karen Wright, Director of Public Health and Wellbeing
Karen Wright, Director of Public Health and Wellbeing
Ward(s) Affected All
Date of Decision 15 April 2022 **Reference** DPH/02/2022

Retirement Redundancy Pay

- Approval for retirement redundancy pay for a member of staff (initials NS).
- Approval for a total budget required of £15,883 from the healthy ageing budget CPHAGE. This is made up of:
 - o £12,823 for the pension fund and
 - o 4.5 weeks salary - £ 3,060 as redundancy pay
- Approval required from Public Health and Wellbeing Senior Leadership Team and Cabinet Member to authorise the recommended action.

3.

Delegated Decision Summary

Exempt

Yes No

Decision Made By	Councillor N Barlow	
Authorised By	Councillor N Barlow, Cabinet Member for Health and Adult Social Care Councillor P Harley, Leader of the Council	
In Consultation With	Karen Wright, Director of Public Health and Wellbeing Karen Wright, Director of Public Health and Wellbeing	
Ward(s) Affected	All	
Date of Decision	15 April 2022	Reference DPH/03/2022

Increase of Contingency & Disaster Management Officer hours

To request that the Council's Cabinet Member for Health and Adult Social Care approve the restoration of a permanent additional 0.5 hours Grade 8 Contingency & Disaster Management Officer post to increase capacity from 2.5 to 3.0 full time equivalent (FTE) staff in the Contingency & Disaster Management (CDM) Team.

The current part-time postholder is planning to take early retirement in June 2022.

4.

Delegated Decision Summary

Exempt

Yes No

Decision Made By	Councillor R Buttery	
Authorised By	Councillor R Buttery, Cabinet Member for Children and Young People	
In Consultation With	Catherine Driscoll, Director of Children's Services	
Ward(s) Affected	Pedmore & Stourbridge East	
Date of Decision	14 June 2022	Reference DCS/04/2022

Academy Order for Pedmore Church of England Primary

(1) Approve the conversion of Pedmore CofE Primary, a maintained (voluntary aided) Primary school, into an Academy with effect from 1st July 2022 or within 14 calendar days of that date, where the delay has no adverse effect on the Council or the School.

(2) Approve the signing of a Commercial Transfer Agreement which transfers assets from the Council to the Elements Diocesan Learning Trust, inclusive of any amendments recommended by the Council's Solicitor and agreed prior to it being signed.

(3) Approve the Council entering into a 125 Year peppercorn lease for the part of the site owned by the Council with Elements Diocesan Learning Trust.

(4) Approve the making of any other agreements to facilitate the transfer.

5.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor S Clark

Authorised By Councillor S Clark, Cabinet Member for Finance and Legal

In Consultation With Iain Newman, Director of Finance and Legal (Section 151 Officer)

Ward(s) Affected All

Date of Decision 19 May 2022

Reference DFL/02/2022

Discretionary Council Tax Rebate Scheme

To agree the proposed Discretionary Council Tax Rebate Scheme as set out at paragraph 3.

6.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor Steve Clark

Authorised By Councillor Steve Clark, Deputy Leader (Finance, Legal and Procurement)

In Consultation With Iain Newman, Director of Finance and Legal (Section 151 Officer)

Ward(s) Affected All

Date of Decision 06 June 2022

Reference DFL/03/2022

Loan to Dudley & Kent Commercial Services Ltd Joint Venture Company

To agree a loan of £128k to the Dudley & Kent Commercial Services Ltd Joint Venture Company, for a maximum period of 6 years.

7.

Delegated Decision Summary

Exempt

Yes No

Decision Made By	Councillor P Harley		
Authorised By	Councillor P Harley, Leader of the Council		
In Consultation With	Kevin O'Keefe, Chief Executive		
Ward(s) Affected	All		
Date of Decision	25 April 2022	Reference	CEX/03/2022

Creation of permanent and fixed term posts – Deputy Chief Executive team

- To create permanent and fixed term posts to provide technical support and management for the Deputy Chief Executive across key transformation projects and the future Council programme: -
- 1 x permanent senior Business Intelligence officer (Grade 13) – this role will provide support to develop ward-based plans, support the development of performance management and reporting for the future Council programme. (Recurrent funding to be identified – no appointment will be made until this has been found)
- 2 permanent business support roles (Grade 9) to provide day to day support to the Deputy Chief Executive across the portfolio of programmes (Recurrent funding to be identified – no appointment will be made until this has been found)
- 2 x technical project managers (Grade 11) – 12-month fixed term (Approved, one off funding available within MTFS)
- 1 x Programme lead (Grade 17) – future Council Programme – 12-month fixed term contract (Approved, one off funding available within MTFS)
- Other technical resources to support priorities in respect of climate change, tourism, regeneration, income generation and future council improvements as required by Deputy Chief Executive and within approved budgets. (One off resources were earmarked within the MTFS for this activity)
- That the Deputy Chief Executive be authorised to recruit and appoint candidates.

8.

Delegated Decision Summary

Exempt

Yes No

Decision Made By	Councillor P Harley		
Authorised By	Councillor P Harley, Leader of the Council		
In Consultation With	Kevin O'Keefe, Chief Executive		
Ward(s) Affected	None		
Date of Decision	25 April 2022	Reference	CEX/02/2022

Local Government Pension Scheme (LGPS) – Charging Deferred Members for Medical Reports

With immediate effect, to remove the requirement for deferred members, who request early payment of retirement pension on ill-health grounds, to pay for any medical reports and/or occupational health consultations/assessments. The responsibility for covering the costs of any medical reports and/or assessments required under Regulation 38 to move to the previous employing directorate.

9.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor P Harley
Authorised By Councillor P Harley, Leader of the Council
In Consultation With Kevin O'Keefe, Chief Executive
Ward(s) Affected All
Date of Decision 28 April 2022

Reference CEX/04/2022

Job Evaluation for members of the Senior Leadership Team

To confirm the following: -

1. For the position of Head of HR & OD introduce a new grade 18 into the current pay structure, with the following salary range of £80,076 to £85,479. This grade will support the retention of the current postholder. The job title to be amended to reflect the change in evaluation to Assistant Director People & Inclusion.
2. For the positions which are identified in table 1 implement the recommendations including moving those positions to the re-evaluated grade.
3. The implementation date for the Head of HR, OD and Inclusion is proposed as 1st October 2019 as per the recommendation in the WME report completed back in 2019. The job title to be amended to Assistant Director People & Inclusion.
4. The implementation date for Head of Communications and Public Affairs is 1 November 2021.
5. The implementation date for the Head of Financial Services and Head of Revenues and Benefits is 1st February 2021.

10.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor P Harley
Authorised By Councillor P Harley, Leader of the Council
In Consultation With Karen Wright, Director of Public Health and Wellbeing
Ward(s) Affected All
Date of Decision 09 May 2022

Reference DPH/04/2022

Environmental Health and Trading Standards Fees and Charges 2022/2023

That approval is given for the fees and charges relating to services described in the appended document

11.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor P Harley

Authorised By Councillor P Harley, Leader of the Council

In Consultation With Andy Vaughan, Interim Director of Public Realm

Ward(s) Affected St Thomas's

Date of Decision 11 May 2022

Reference DPR/07/2022

To introduce the Revocation of Prohibition of Driving Restriction on Bourne Street, Dudley

To introduce the proposals included in the following Traffic Regulation Order:

The Borough Council of Dudley (Bourne Street, Dudley) (Prohibition of Driving) (Revocations) Order 2022

12.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor P Harley

Authorised By Councillor P Harley, Leader of the Council

In Consultation With Iain Newman, Director of Finance and Legal (Section 151 Officer)

Ward(s) Affected Brockmoor & Pensnett
Kingswinford North &
WallHeath

Date of Decision 17 May 2022

Reference DFL/01/2022

To consider settlement of offer in respect of ongoing case between the Council and Enover North Limited in respect of land at Oak Lane, Himley, Dudley, West Mi

- It is proposed that the Council dispose of freehold land on the south side of Oak Lane, registered in the Council's ownership at HM Land Registry under title number WM285973 to the former tenant of the site, Enover North Limited.
- It is proposed that the Council seek £600,000 in consideration of the disposal, but that an acceptable floor for acceptance be £570,000 (this including payment of all outstanding debt and legal costs)
- It is proposed that external solicitors be authorised to document the transfer.

13.

Delegated Decision Summary

Exempt

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Decision Made By Councillor P Harley
Authorised By Councillor P Harley, Leader of the Council
Councillor S Phipps, Cabinet Member for Regeneration and Enterprise
In Consultation With Iain Newman, Director of Finance and Legal (Section 151 Officer)
Helen Martin, Director of Regeneration and Enterprise
Ward(s) Affected St James's
Date of Decision 19 May 2022 **Reference** DRE/14/2022

Delivery of a Higher Education Building on Castle Hill funded by Towns Fund Grant

1.1 To provide delegated authority for the Director of Regeneration & Enterprise to spend the £25 million grant when received from the Department of Levelling Up, Housing and Communities (DLUHC) to build a higher education building on Castle Hill and for the capital budget for the scheme to be increased to £25m within the Council's Capital Programme.

1.2 To provide delegated authority for the Director of Regeneration & Enterprise to begin the procurement process for the appointment of the Alliance Board to deliver the higher education building using an insurance-backed Alliancing Construction Contract.

1.3 To provide delegated authority for the Director of Regeneration & Enterprise to appoint a demolition contractor to demolish the former Hippodrome in Autumn 2022.

14.

Delegated Decision Summary

Exempt

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Decision Made By Councillor P Harley
Authorised By Councillor P Harley, Leader of the Council
In Consultation With Karen Wright, Director of Public Health and Wellbeing
Ward(s) Affected All
Date of Decision 25 May 2022 **Reference** DPH/05/2022

Loans Officer – Castle & Crystal Credit Union

To request an appointment of a Grade 4 Loans Officer (p/t 18.5hr pw)

15.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor S Phipps
Authorised By Councillor S Phipps, Cabinet Member for Regeneration and Enterprise
Councillor P Harley, Leader of the Council
In Consultation With Helen Martin, Director of Regeneration and Enterprise
Helen Martin, Director of Regeneration and Enterprise
Ward(s) Affected All
Date of Decision 20 April 2022 **Reference** DRE/09/2022

Creation of new posts - Bar & Bistro, Dudley Town Hall

1.1 To create various new bar, kitchen and front of house posts within Corporate Landlord Services to support the opening of the new Bar & Bistro within Dudley Town Hall.

16.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor S Phipps
Authorised By Councillor S Phipps, Cabinet Member for Regeneration and Enterprise
In Consultation With Helen Martin, Director of Regeneration and Enterprise
Ward(s) Affected All
Date of Decision 28 April 2022 **Reference** DRE/10/2022

Increase in fees for Astley Burf Outdoor Adventure Centre 2022/23

1.1 To increase fees paid by young people of Dudley attending Astley Burf Outdoor Adventure Centre with effect from September 2022.

1.2 There is a need for the Centre to be self-financing and therefore a 5.4% price increase is proposed, to be implemented with effect from September 2022. Current and proposed charges are detailed in Appendix one.

1.3 Activities organised and provided by ourselves are available to schools at a current cost of £296 per school per visit, however following a review of the costs involved it is proposed that future costs be charged at a per pupil rate. Activities are accommodated at a minimum of 12 pupils and a maximum of 60 pupils therefore it is proposed that at 12–30 pupils be charged at a rate of £20 per pupil and 31–60 pupils be charged at a rate of £15 per pupil. This ensures that the costs involved in providing the activity day are covered. Activities include team building challenges, archery, a climbing wall and low ropes. Schools also have the option to organise their own activities.

Decision Made By	Councillor S Phipps	
Authorised By	Councillor S Phipps, Cabinet Member for Regeneration and Enterprise	
In Consultation With	Helen Martin, Director of Regeneration and Enterprise	
Ward(s) Affected	Cradley and Wollescote	
Date of Decision	09 May 2022	Reference DRE/11/2022

Use of Compulsory Purchase Order powers to facilitate the redevelopment of 122 to 128 Colley Gate

1.1 Further to the decision of Cabinet on 21st September 2016 (Min No 48) to approve the use of Compulsory Purchase Order (CPO) powers at Colley Gate, Cradley, approval is now sought for the use of CPO powers for the amended scheme (area edged red on the plan at appendix 1) under section 226(1)(a) of the Town and Country Planning Act 1990 for the purposes of facilitating development, redevelopment and improvement of the Order Land; and, where necessary, acquisition of new rights under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and appropriation pursuant to section 203 of the Housing and Planning Act 2016.

1.2 That the Deputy Chief Executive in conjunction with the Director of Regeneration and Enterprise, be authorised to effect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land including, but not limited to, the following procedural steps:

- i. Finalise a Statement of Reasons setting out the Council's reasons for making the CPO;
- ii. Subject to future approval by cabinet, making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making.
- i. Acquire all interests in land and new rights within the Order Land as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing with any blight notices served in connection with the CPO;
- ii. Approve agreements with the land owner or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land or new rights from the CPO;
- iii. Make any necessary additions, deletions, or amendments to the plan at Appendix 1 and to seek any requisite modifications to the CPO Order and any CPO maps.
- iv. The preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
- v. Seek confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act);
- vi. Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area, including, if required, High Court Enforcement Officer notices; and
- vii. Referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber).

viii. This is subject to the Deputy Chief Executive and Director of Regeneration and Enterprise being satisfied that the funding set out in section 4 of this report is in place.

18.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor S Phipps
Authorised By Councillor S Phipps, Cabinet Member for Regeneration and Enterprise
In Consultation With Helen Martin, Director of Regeneration and Enterprise
Ward(s) Affected Coseley East
Hayley Green & Cradley South
Sedgley
Upper Gornal & Woodsetton
Date of Decision 18 May 2022 **Reference** DRE/12/2022

Conservation Area Boundary Change to the Lutley Mill Conservation Area and to the Coppice Conservation Area.

To agree to the boundary changes to the Lutley Mill Conservation Area and to the Coppice Conservation Area, as delineated by the boundaries in Appendix A appended to this report and in line with the finalised Conservation Area Character Appraisal for Lutley Mill (April 2022) and the Coppice (April 2022) as endorsed by Development Control Committee at its meeting of the 13th April 2022 and to authorise the Director of Regeneration and Enterprise to take all necessary steps to implement this proposal.

19.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor S Phipps
Authorised By Councillor S Phipps, Cabinet Member for Regeneration and Enterprise
In Consultation With Helen Martin, Director of Regeneration and Enterprise
Ward(s) Affected All
Date of Decision 19 May 2022 **Reference** DRE/13/2022

Carer charges – Leisure Centre Activities

1.1 To amend the existing policy to reflect the needs of customers with physical and learning difficulties more appropriately.

1.2 To ensure leisure centre charges are fair and reasonable for both customers and their carer(s).

20.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor K Shakespeare

Authorised By Councillor K Shakespeare, Cabinet Member for Public Realm

In Consultation With Andy Vaughan, Interim Director of Public Realm

Ward(s) Affected Amblecote

Date of Decision 12 April 2022

Reference DPR/06/2022

Proposed New Road Names off Old Wharf Road, Stourbridge.

The roads identified in plan T&T/D/RN/248 (Appendix 1) are named:

Moorings Crescent

Spillway Court

The Winding

Puddle Clay Drive

Windlass Mews

21.

Delegated Decision Summary

Exempt

Yes No

Decision Made By Councillor L Taylor

Authorised By Councillor L Taylor, Cabinet Member for Housing and Community Services

In Consultation With Balvinder Heran, Deputy Chief Executive

Ward(s) Affected All

Date of Decision 24 May 2022

Reference DOH/02/2022

Housing Nominations Agreement

- To adopt a revised and updated Nominations Agreement setting out how Council officers will make nominations for vacancies with other housing providers.
- To authorise the Head of Housing Options & Support or Head of Housing Strategy to sign the Nominations Agreement with each provider on behalf of the Council.